

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JACQUES RIVERA,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

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Case No. 12 C 4428

Hon. Joan B. Gottschall,
District Judge

Hon. Mary M. Rowland,
Magistrate Judge

JURY TRIAL DEMANDED

**PLAINTIFFS' CONSOLIDATED RESPONSE IN
OPPOSITION TO DEFENDANTS' SUMMARY JUDGMENT MOTIONS**

EXHIBIT 6A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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JACQUES RIVERA,

Plaintiff,

vs. Case No. 12 CV 4428

REYNALDO GUEVARA, et al.,

Defendants.

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Videotaped Deposition of
ORLANDO LOPEZ

May 29, 2013

11:03 a.m.

Taken at:

Rennillo Deposition & Discovery

Erievue Tower

1301 East 9th Street, Suite 100

Cleveland, Ohio

Toni DiNardo, RPR

1 APPEARANCES:

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On behalf of the Defendants Reynaldo
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ALSO PRESENT: Jeff Koisher, Videographer

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| 1 objection..... 178                              | 1 EXAMINATION OF ORLANDO LOPEZ                     |
| 2 objection..... 178                              | 2 BY MR. BOWMAN:                                   |
| 3 objection..... 179                              | 3 Q. Could you please tell us your first           |
| 4 objection..... 180                              | 4 and last name and spell your last name?          |
| 5 objection..... 180                              | 5 A. Lopez, L-O-P-E-Z, Orlando,                    |
| 6 objection..... 182                              | 6 O-R-L-A-N-D-O.                                   |
| 7                                                 | 7 Q. It's Orlando Lopez?                           |
| 8                                                 | 8 A. Correct.                                      |
| 9                                                 | 9 Q. Mr. Lopez, as you know, my name is            |
| 10                                                | 10 Locke Bowman and I represent Jacques Rivera. I  |
| 11                                                | 11 have some questions for you this morning that   |
| 12                                                | 12 will -- and it will likely run into the         |
| 13                                                | 13 afternoon.                                      |
| 14                                                | 14 The -- have you ever been in a                  |
| 15                                                | 15 procedure like this, given a deposition before? |
| 16                                                | 16 A. In the surroundings like this, no.           |
| 17                                                | 17 Q. It's similar to being in court in            |
| 18                                                | 18 that you're under oath, we have a court         |
| 19                                                | 19 reporter taking down my questions and your      |
| 20                                                | 20 answers. It's a little less formal, we don't    |
| 21                                                | 21 have a judge, and so just to be clear about     |
| 22                                                | 22 some ground rules, first, like in court you     |
| 23                                                | 23 need to answer audibly.                         |
| 24                                                | 24 If a question is properly answered              |
| 25                                                | 25 with a yes or no, you need to say yes or no as  |
| 9                                                 | 11                                                 |
| 1 THE VIDEOGRAPHER: We are on the                 | 1 opposed to uh-huh or shaking your head, which    |
| 2 record. The time is 11:03. The date is May      | 2 is not clear; okay?                              |
| 3 29, 2013. This is the videotaped deposition of  | 3 A. Okay.                                         |
| 4 Orlando Lopez in the matter of Rivera versus    | 4 Q. You should do your very best to               |
| 5 Guevara held in Cleveland, Ohio.                | 5 avoid us talking over each other. I will         |
| 6 Counsel, please state appearances               | 6 endeavor not to interrupt you, and you should    |
| 7 for the record?                                 | 7 try and be sure that I finish asking my          |
| 8 MR. BOWMAN: My name is Locke                    | 8 question before you start to answer the          |
| 9 Bowman. I represent the Plaintiff, Jacques      | 9 question so that we're not talking over each     |
| 10 Rivera.                                        | 10 other.                                          |
| 11 MR. SWAMINATHAN: Anand Swaminathan             | 11 I am really slow of speech and                  |
| 12 for the Plaintiff, Jacques Rivera.             | 12 everybody eventually gets the idea of where I'm |
| 13 MS. ROSEN: Eileen Rosen for                    | 13 going and you want to jump in and start         |
| 14 Defendant, City of Chicago.                    | 14 answering the question, try and prevent         |
| 15 MR. GIVEN: Jeff Given on behalf of             | 15 yourself from doing that so we have a clear     |
| 16 the individual defendant.                      | 16 record and Toni is not having to take us both   |
| 17 MS. ADAMS: I'm Stephanie Adams                 | 17 down talking at the same time; okay?            |
| 18 here on behalf of Orlando Lopez.               | 18 A. Okay.                                        |
| 19 THE VIDEOGRAPHER: Would the court              | 19 Q. You are absolutely entitled to a             |
| 20 reporter please swear in the witness?          | 20 clear question that you can understand, and I   |
| 21 ORLANDO LOPEZ, of lawful age, called for       | 21 realize that this is not a pleasant experience  |
| 22 examination, as provided by the Ohio Rules of  | 22 for you, and so I'm going to do my best to make |
| 23 Civil Procedure, being by me first duly sworn, | 23 my questions clear and comprehensible.          |
| 24 as hereinafter certified, deposed and said as  | 24 If you don't understand a question              |
| 25 follows:                                       | 25 that I've asked, I want you to tell me. And my  |
| 10                                                | 12                                                 |

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| <p>1 responsibility is going to be to keep</p> <p>2 rephrasing the question until it gets clear and</p> <p>3 you can answer; okay?</p> <p>4 A. Okay.</p> <p>5 Q. If you do answer my question, I'm</p> <p>6 going to assume that you've understood what</p> <p>7 I've asked and that you're actually responding</p> <p>8 to that question. Is that also fair?</p> <p>9 A. Fair.</p> <p>10 Q. If at any point you need to take a</p> <p>11 break, to consult with your lawyer, to use the</p> <p>12 facilities, for whatever purpose, just let us</p> <p>13 know and you can take a break and any</p> <p>14 reasonable time that you need, we'll</p> <p>15 accommodate; okay?</p> <p>16 The only thing that I ask is that</p> <p>17 if I've asked a question, that you finish</p> <p>18 answering the question that I've asked before</p> <p>19 we stop; fair enough?</p> <p>20 A. Fair enough, okay.</p> <p>21 Q. Now, could you tell me what you did</p> <p>22 to get ready to come here and testify today?</p> <p>23 A. Miss work and just got groomed and</p> <p>24 got dressed and came, prepared mentally to get</p> <p>25 ready for this hearing here and drove here and</p> <p style="text-align: right;">13</p> | <p>1 signed. I'm marking it for identification as</p> <p>2 Exhibit 29. I'd just ask you to take a few</p> <p>3 minutes to read that over.</p> <p>4 - - - - -</p> <p>5 (Thereupon, Deposition Exhibit 29,</p> <p>6 Affidavit, was marked for purposes</p> <p>7 of identification.)</p> <p>8 - - - - -</p> <p>9 A. Do you want me to read the whole</p> <p>10 thing or just --</p> <p>11 Q. Yes, please.</p> <p>12 Have you taken all the time you</p> <p>13 need to read over Exhibit 29?</p> <p>14 A. Yes.</p> <p>15 MR. GIVEN: Objection. Form.</p> <p>16 Q. Is this an affidavit that you</p> <p>17 signed on June 12, 2010?</p> <p>18 A. Yes.</p> <p>19 Q. Are the statements in Exhibit 29</p> <p>20 true and accurate?</p> <p>21 A. Yes.</p> <p>22 Q. Just to be clear, had you had an</p> <p>23 opportunity before coming here to testify today</p> <p>24 to read Exhibit 29 over?</p> <p>25 A. Not today.</p> <p style="text-align: right;">15</p>                                                                                                                                                                                            |
| <p>1 I'm here now.</p> <p>2 Q. And you had a chance, I'm assuming,</p> <p>3 to talk with Ms. Adams before you came?</p> <p>4 A. Correct.</p> <p>5 Q. Have you had any opportunity to sit</p> <p>6 down and talk with any of the lawyers for the</p> <p>7 City of Chicago or for the Chicago police</p> <p>8 defendants who are represented by counsel here</p> <p>9 today?</p> <p>10 A. No.</p> <p>11 Q. And you and I have not met before</p> <p>12 this morning; right?</p> <p>13 A. Correct.</p> <p>14 Q. And as far as this particular</p> <p>15 lawsuit goes, you've not spoken with any of us</p> <p>16 lawyers representing Jacques in this particular</p> <p>17 case?</p> <p>18 A. Correct.</p> <p>19 Q. Did you have a chance to look over</p> <p>20 any documents, in particular any prior</p> <p>21 testimony or sworn statements that you've given</p> <p>22 before coming here to testify?</p> <p>23 A. I looked over some.</p> <p>24 Q. Let me -- Toni -- I'm going to hand</p> <p>25 you what I believe is an affidavit that you</p> <p style="text-align: right;">14</p>                                                                                                                                | <p>1 Q. I'm going to hand you next a</p> <p>2 transcript of your testimony at a court hearing</p> <p>3 that took place on June 23, 2011, and I'll mark</p> <p>4 it for identification as Exhibit 30.</p> <p>5 - - - - -</p> <p>6 (Thereupon, Deposition Exhibit 30,</p> <p>7 Transcript, was marked for purposes</p> <p>8 of identification.)</p> <p>9 - - - - -</p> <p>10 MS. ADAMS: Is this the direct and</p> <p>11 cross or just the direct?</p> <p>12 MR. BOWMAN: It's the direct and</p> <p>13 cross. To be clear, in response to Ms. Adams'</p> <p>14 question, Exhibit 30 is the entirety of</p> <p>15 Mr. Lopez's testimony of the post conviction</p> <p>16 hearing that took place in 2011.</p> <p>17 Q. I'm not going to ask you to read</p> <p>18 this entire transcript over, but I wanted to</p> <p>19 clarify whether or not you had the chance to</p> <p>20 read over this transcript of testimony before</p> <p>21 you came here today to testify?</p> <p>22 A. I read through it at home.</p> <p>23 Q. And could you tell me when you did</p> <p>24 that?</p> <p>25 A. About a week ago.</p> <p style="text-align: right;">16</p> |

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| <p>1 Q. As you read through the transcript</p> <p>2 that's before you as Exhibit 30, did you see</p> <p>3 any errors in your testimony, anything that you</p> <p>4 said that was not accurate?</p> <p>5 A. No. Everything I said is pretty</p> <p>6 much what I said.</p> <p>7 Q. And is it -- is the testimony that</p> <p>8 you gave on June 23, 2011 truthful to the best</p> <p>9 of your ability?</p> <p>10 A. Correct.</p> <p>11 Q. As you sit here today under oath,</p> <p>12 Mr. Lopez, can you tell me who the person is</p> <p>13 who shot Felix Valentin on August 27, 1988?</p> <p>14 A. The person that shot was -- at the</p> <p>15 time the person that shot -- it was a gangster</p> <p>16 pretty much, an Imperial Gangster.</p> <p>17 Q. And just so that we're clear, when</p> <p>18 you say Imperial Gangster, what does that mean?</p> <p>19 What does that designate?</p> <p>20 A. A rival gang from the Latin Kings</p> <p>21 and any other gangs.</p> <p>22 Q. Do you know that individual's name?</p> <p>23 A. No, I do not.</p> <p>24 Q. Is that person who was a member of</p> <p>25 the Imperial Gangsters -- is that person</p> <p style="text-align: right;">17</p> | <p>1 you went to look at a lineup in the police</p> <p>2 station?</p> <p>3 A. Twice; two times.</p> <p>4 Q. You're confident of that?</p> <p>5 A. Correct.</p> <p>6 Q. All right. Mr. Lopez, let me step</p> <p>7 back for a moment. You are -- we are not going</p> <p>8 to ask you your address today.</p> <p>9 Can you tell me whether you are</p> <p>10 currently living in the area around here in</p> <p>11 Cleveland, Ohio, where this deposition is going</p> <p>12 on?</p> <p>13 A. Yes.</p> <p>14 Q. How long have you lived in this</p> <p>15 area?</p> <p>16 A. Over ten years.</p> <p>17 Q. With whom do you live here?</p> <p>18 A. Do I really have to answer that</p> <p>19 one?</p> <p>20 Q. I --</p> <p>21 A. I mean, is that -- I have a wife</p> <p>22 and I have four children.</p> <p>23 Q. I don't need to know anybody's</p> <p>24 names.</p> <p>25 A. Okay.</p> <p style="text-align: right;">19</p>                                                                                |
| <p>1 Jacques Rivera?</p> <p>2 A. No.</p> <p>3 Q. As you sit here today under oath,</p> <p>4 can you tell me, Mr. Lopez, whether the person</p> <p>5 who shot Felix Valentin was an individual who</p> <p>6 you had ever seen before the date of the</p> <p>7 shooting, August 27, 1988?</p> <p>8 A. Never saw him prior to the</p> <p>9 shooting.</p> <p>10 Q. Had you seen that individual</p> <p>11 playing baseball in Humboldt Park prior to the</p> <p>12 shooting?</p> <p>13 A. No.</p> <p>14 Q. As you sit here today under oath,</p> <p>15 Mr. Lopez, can you tell me on how many</p> <p>16 occasions you went to the police station in the</p> <p>17 weeks following the shooting of Felix Valentin</p> <p>18 to view a lineup?</p> <p>19 A. Twice.</p> <p>20 Q. Is there any doubt in your mind</p> <p>21 that you went to the police station twice to</p> <p>22 see the lineup?</p> <p>23 A. Requestion that again.</p> <p>24 Q. Do you have any uncertainty or</p> <p>25 doubt in your mind that it was two times that</p> <p style="text-align: right;">18</p>                                                                                                                        | <p>1 Q. I'm just interested in knowing</p> <p>2 whether you live with your family?</p> <p>3 A. Yes, I'm a married man and I have</p> <p>4 four children.</p> <p>5 Q. How old are your kids at this</p> <p>6 point?</p> <p>7 A. Really. 17 years old, 14, 13, and</p> <p>8 10.</p> <p>9 Q. Thank you. And how long have you</p> <p>10 been married?</p> <p>11 MS. ADAMS: Forever.</p> <p>12 A. Forever. No --</p> <p>13 MS. ADAMS: Don't ask him what his</p> <p>14 anniversary is. That's not a fair question.</p> <p>15 A. -- I've been married for 15 years.</p> <p>16 Q. Before living in the Cleveland</p> <p>17 area, where did you live?</p> <p>18 A. Pennsylvania.</p> <p>19 Q. Where in Pennsylvania?</p> <p>20 A. Harrisburg.</p> <p>21 Q. And prior to living in Harrisburg,</p> <p>22 Pennsylvania, where did you live?</p> <p>23 A. Chicago, Illinois.</p> <p>24 Q. Can you tell me what year you moved</p> <p>25 from Chicago, Illinois to Harrisburg?</p> <p style="text-align: right;">20</p> |



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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 A. It's been so long. Like I said,<br/>2 it's been over probably 15 years. I can't<br/>3 really tell you the date.</p> <p>4 Q. Best estimation, was it in the<br/>5 decade of the 1990s?</p> <p>6 A. Yes. I left in the '90s, late<br/>7 '90s.</p> <p>8 Q. How old were you when you left<br/>9 Chicago approximately?</p> <p>10 A. 19 or 20, around that time.</p> <p>11 Q. Can you tell me what it was that<br/>12 prompted you to leave the City of Chicago?</p> <p>13 A. Gangs.</p> <p>14 Q. What do you mean by that?</p> <p>15 A. You know, through all this stuff<br/>16 that happened to me with this it forced me --<br/>17 not forced me because nothing is forced in<br/>18 life, but the peer pressures and stuff like<br/>19 that made me join gangs. I was joining into<br/>20 the Maniac Disciples due to this reason. Then<br/>21 I had children. My first son was born, and I<br/>22 saw how Felix died. Man, I'm going to cry<br/>23 here, and I just wanted to make sure my son<br/>24 didn't be another casualty, and I want make<br/>25 sure I raise my family.</p> <p style="text-align: right;">21</p>                                                                                             | <p>1 Q. Do you have the occasion ever to go<br/>2 back and visit Chicago?</p> <p>3 A. Yes, I have visited. I got family<br/>4 over there.</p> <p>5 Q. When was the last time you visited<br/>6 the city, just to get a sense of how often you<br/>7 come back?</p> <p>8 A. Just recently.</p> <p>9 Q. And can you tell me how many times<br/>10 a year you might go back to visit?</p> <p>11 A. Once a year.</p> <p>12 Q. And that's to visit family?</p> <p>13 A. Correct.</p> <p>14 Q. When you return to Chicago, do you<br/>15 go back to the old neighborhood where you grew<br/>16 up?</p> <p>17 A. No, I do not.</p> <p>18 Q. I'd like to ask you a couple of<br/>19 questions about your employment history.<br/>20 Did you graduate from high school?</p> <p>21 A. I have my GED.</p> <p>22 Q. And since obtaining the GED, can<br/>23 you tell me the jobs where you've worked?</p> <p>24 A. One factory and then became a<br/>25 high-rise window cleaner.</p> <p style="text-align: right;">23</p> |
| <p>1 Q. Thank you for your testimony. I<br/>2 wanted to be clear about one thing that I'm not<br/>3 sure I heard. You said that you had joined a<br/>4 particular gang yourself as a result of peer<br/>5 pressure prior to leaving Chicago?</p> <p>6 A. It was before -- it was when all<br/>7 this occurred after Felix and the trial, I<br/>8 decided to join a gang because I felt like I<br/>9 would be safe and -- you know, safe haven. In<br/>10 other words, being in a territory area in<br/>11 Chicago where you got your Kings in Humbolt<br/>12 Park, and you know how everything is divided<br/>13 over there where it's territorial and then the<br/>14 family -- my family members were also on the<br/>15 other side of the fence, so that was the reason<br/>16 why I joined the gangs also because I didn't<br/>17 want to -- once you're in a gang you're stuck<br/>18 in that area no more, and I felt safe in that<br/>19 area, in that box in other words.</p> <p>20 Q. Can you tell me the name of the<br/>21 gang you joined?</p> <p>22 A. Maniac Disciples.</p> <p>23 Q. And that was after the trial and<br/>24 after Felix's death?</p> <p>25 A. Correct.</p> <p style="text-align: right;">22</p> | <p>1 Q. And the factory where you worked,<br/>2 is that here in Cleveland?</p> <p>3 A. No, Chicago.</p> <p>4 Q. What did you do for work when you<br/>5 were living in Harrisburg?</p> <p>6 A. Window cleaning.</p> <p>7 Q. And you also do window cleaning<br/>8 here in Cleveland?</p> <p>9 A. Correct.</p> <p>10 Q. Anything that attracted to you<br/>11 high-rise window cleaning?</p> <p>12 A. I had a son I had to feed.</p> <p>13 MS. ADAMS: That will do it, huh?</p> <p>14 THE WITNESS: Yes.</p> <p>15 Q. Okay. Fair enough. And is there a<br/>16 particular firm that you work for now that<br/>17 provides cleaning service?</p> <p>18 MS. ADAMS: (Indicating).</p> <p>19 MR. BOWMAN: He's not answering<br/>20 that question?</p> <p>21 MS. ROSEN: Can you just say yes or<br/>22 no?</p> <p>23 A. Yes.</p> <p>24 MS. ADAMS: Yes, sorry. He is<br/>25 employed.</p> <p style="text-align: right;">24</p>                                                                                         |

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| <p>1 Q. And I'm not going to ask you where<br/>2 you work. How long have you worked for the<br/>3 particular firm that employs you now?<br/>4 A. Nine years if I'm correct.<br/>5 Q. And this is a full-time job?<br/>6 A. Correct.<br/>7 Q. Can you please tell me your date of<br/>8 birth?<br/>9 A. 5/17/76.<br/>10 Q. And what is your current age?<br/>11 A. 37.<br/>12 Q. And I gather -- I don't want to<br/>13 belabor the point, but just to be clear I<br/>14 gather from your testimony that you completely<br/>15 totally left behind the gang life when you left<br/>16 the City of Chicago?<br/>17 A. Correct.<br/>18 Q. I would like to take you back at<br/>19 this time, Mr. Lopez, to the date of Felix's<br/>20 murder, which I understand to be August 27,<br/>21 1988. Do you remember that day?<br/>22 A. Can you repeat the date again?<br/>23 MS. ROSEN: Object to the form of<br/>24 the question because he didn't die on August<br/>25 27, so --</p> <p style="text-align: right;">25</p>                                                                                                        | <p>1 11 or 12.<br/>2 Q. Were you going to school at that<br/>3 point?<br/>4 A. Yes, I was.<br/>5 Q. What day of the week was it that<br/>6 Felix was shot?<br/>7 A. That I can't -- I just -- now that<br/>8 I read this stuff I knew it was on a Saturday,<br/>9 but at the moment I didn't know the date, so --<br/>10 Q. Okay. And that's what I was just<br/>11 asking --<br/>12 A. Okay.<br/>13 Q. -- whether it was a weekend or<br/>14 during the day. Were you in school?<br/>15 A. No.<br/>16 Q. Were you attending school at that<br/>17 time, not were you in school on a Saturday, but<br/>18 were you attending school?<br/>19 A. Yes, I was.<br/>20 Q. Where did you attend school?<br/>21 A. I attended school at Mozart<br/>22 Elementary.<br/>23 Q. Where is that?<br/>24 A. That was over there on Avers and<br/>25 Palmer.</p> <p style="text-align: right;">27</p>                |
| <p>1 MR. BOWMAN: I'll rephrase the<br/>2 question. Thank you. It was my mistake. Let<br/>3 me try again so it's clear.<br/>4 Q. Do you remember the day that Felix<br/>5 was shot?<br/>6 A. Not the actual date, but I remember<br/>7 the day of, you know --<br/>8 Q. And I'm not trying to ask whether<br/>9 you remember what calendar day it was --<br/>10 A. No, that I don't remember. I just<br/>11 remember exactly vividly how it happened, when<br/>12 it happened and how it went about, my actions<br/>13 and stuff like that.<br/>14 Q. And I think that we all agree as<br/>15 we've got records here that the date of Felix's<br/>16 shooting was August 27, 1988, so I may in some<br/>17 of my questions refer to that date, but we'll<br/>18 be talking about the day Felix was shot; okay?<br/>19 A. Okay.<br/>20 Q. Can you tell me where you were<br/>21 living on the day Felix was shot?<br/>22 A. I was living at 3320 West Cortland,<br/>23 Chicago, Illinois.<br/>24 Q. And how old were you at that time?<br/>25 A. If my memory serves me right around</p> <p style="text-align: right;">26</p> | <p>1 Q. And what grade were you in when<br/>2 Felix was shot?<br/>3 A. I don't remember the grade I was<br/>4 in.<br/>5 Q. Okay. Can you tell me who you<br/>6 lived with at 3320 West Cortland?<br/>7 A. My mother.<br/>8 Q. Did anyone else live in the home<br/>9 other than you and your mom?<br/>10 A. My stepfather, my little two<br/>11 sisters and my sister, Marilyn. All four<br/>12 sisters, let's just put it that way there.<br/>13 Q. So it was your mom, your stepdad,<br/>14 you, and four sisters?<br/>15 A. Correct.<br/>16 Q. And is 3320 West Cortland an<br/>17 apartment building?<br/>18 A. Correct.<br/>19 Q. What apartment did your family<br/>20 have?<br/>21 A. The one near the alley, that's like<br/>22 -- that's pretty much all I can tell you that<br/>23 part.<br/>24 Q. Which floor were you on?<br/>25 A. First floor.</p> <p style="text-align: right;">28</p> |



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| <p>1 Q. Did you in that period of time</p> <p>2 around when Felix was shot, did you sometimes</p> <p>3 spend time with your father?</p> <p>4 A. Yeah, I did spend some time with my</p> <p>5 father.</p> <p>6 Q. Where did your father live at that</p> <p>7 time?</p> <p>8 A. Mozart Park -- I mean across the</p> <p>9 street from the school, from Mozart Elementary.</p> <p>10 Q. Was there an arrangement as to how</p> <p>11 much time you would spend with your dad versus</p> <p>12 your mom?</p> <p>13 A. No.</p> <p>14 Q. So it just --</p> <p>15 A. Whenever I felt like going to him</p> <p>16 that's when I could go.</p> <p>17 Q. So it varied?</p> <p>18 A. Correct.</p> <p>19 Q. Now, were you -- around the time</p> <p>20 that Felix was shot, were you acquainted with</p> <p>21 Felix's family, the Valentins?</p> <p>22 A. Did I knew them personally?</p> <p>23 Q. Yes.</p> <p>24 A. Yes, I did.</p> <p>25 Q. Can you tell me what your</p> <p style="text-align: right;">29</p>                                                                                   | <p>1 relationship between Israel and Marilyn at that</p> <p>2 time?</p> <p>3 A. I believe they were boyfriend and</p> <p>4 girlfriend.</p> <p>5 Q. Other than the relationship between</p> <p>6 Israel and your sister, Marilyn, was there any</p> <p>7 other relationship between your family and the</p> <p>8 Valentins?</p> <p>9 A. Yeah, just --</p> <p>10 MR. GIVEN: Objection. Form. Go</p> <p>11 ahead.</p> <p>12 A. Question is -- yeah, they were --</p> <p>13 we were just family -- once you intertwined</p> <p>14 with relationships, you know, you throw parties</p> <p>15 and stuff like that.</p> <p>16 Q. Did you know Felix?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Can you tell me what your -- what</p> <p>19 the nature of your relationship was with Felix?</p> <p>20 A. Through the --</p> <p>21 MR. GIVEN: Objection. Form.</p> <p>22 A. His brother -- just like I said</p> <p>23 knew him in the family because I used to go to</p> <p>24 their house. He used to, you know, hey, how</p> <p>25 you doing and later.</p> <p style="text-align: right;">31</p>                                                                                       |
| <p>1 relationship was with that family?</p> <p>2 A. The relationship was through my</p> <p>3 sister-in-law, they were -- I mean, my sister,</p> <p>4 my brother-in-law, and they lived on Campbell</p> <p>5 and LeMoyne and visited them and that was</p> <p>6 pretty much it.</p> <p>7 Q. Can you tell me where they lived</p> <p>8 again? I'm sorry, I didn't catch that.</p> <p>9 A. Campbell and LeMoyne.</p> <p>10 Q. Campbell and Illinois?</p> <p>11 A. LeMoyne.</p> <p>12 MR. GIVEN: LeMoyne.</p> <p>13 Q. Got it. I'm the one from Chicago.</p> <p>14 And which sister was it who had a</p> <p>15 relationship with one of the Valentin boys?</p> <p>16 A. Marilyn.</p> <p>17 Q. Marilyn. How old was Marilyn at</p> <p>18 that time?</p> <p>19 A. I'm going to assume 18, I don't</p> <p>20 know really her age.</p> <p>21 Q. And which Valentin boy did Marilyn</p> <p>22 have a relationship with?</p> <p>23 A. Israel Valentin.</p> <p>24 Q. Other than the -- and can you just</p> <p>25 tell us so we're clear the nature of the</p> <p style="text-align: right;">30</p> | <p>1 Q. Did you spend time with him?</p> <p>2 A. No. That I -- no, I did not.</p> <p>3 Q. Did you consider him a friend?</p> <p>4 A. I considered him a family member.</p> <p>5 Q. All right. Now, I want to ask you</p> <p>6 some questions about the geography around 3320</p> <p>7 West Cortland.</p> <p>8 What is the direction that Cortland</p> <p>9 Street runs?</p> <p>10 A. If my mind serves me right east and</p> <p>11 west. East and west, I'm assuming if my mind</p> <p>12 plays me right.</p> <p>13 Q. And as you go to the east from the</p> <p>14 apartment where your family lived at 3320 West</p> <p>15 Cortland, as you go east, what is the first</p> <p>16 cross street that you encounter?</p> <p>17 A. Armitage. So you got Cortland</p> <p>18 here, (indicating), you have Spaulding here</p> <p>19 (indicating), and if you go east, if my mind</p> <p>20 serves right, is Armitage.</p> <p>21 Am I wrong here?</p> <p>22 MR. GIVEN: I'd rather clear up the</p> <p>23 record so that we're all literally on the same</p> <p>24 page. That's incorrect.</p> <p>25 A. Incorrect. I'm just -- well, then</p> <p style="text-align: right;">32</p> |

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| <p>1 west --</p> <p>2 MR. BOWMAN: I think I've got a</p> <p>3 solution for us.</p> <p>4 A. If you want me to draw it out on a</p> <p>5 paper, I'll be glad to do that so how my memory</p> <p>6 serves me right.</p> <p>7 Q. I've got Google Maps?</p> <p>8 A. Okay.</p> <p>9 Q. So that will be --</p> <p>10 MS. ADAMS: Google, the world's</p> <p>11 best resource.</p> <p>12 - - - - -</p> <p>13 (Thereupon, Deposition Exhibit 31,</p> <p>14 Google Map, was marked for purposes</p> <p>15 of identification.)</p> <p>16 - - - - -</p> <p>17 Q. I've marked for identification as</p> <p>18 Exhibit No. 31 a Google Map page showing</p> <p>19 Cortland Street in the City of Chicago and the</p> <p>20 area around Cortland. And what we did, just to</p> <p>21 be clear, Mr. Lopez, to get this particular</p> <p>22 page was to type in the address 3320 West</p> <p>23 Cortland Street and you'll see a little bubble</p> <p>24 with an A in it near the center of the page,</p> <p>25 and that's the Google Map identification of the</p> <p style="text-align: right;">33</p>                                       | <p>1 bottom of the page, you're going south past</p> <p>2 Wabanasia down toward North Avenue?</p> <p>3 A. Okay, so that's south, north, west,</p> <p>4 east I guess.</p> <p>5 Q. And --</p> <p>6 A. Yes.</p> <p>7 Q. And then over on the right side of</p> <p>8 the page is toward the east where you run --</p> <p>9 the first big street is Kedzie, right, east?</p> <p>10 A. Yes.</p> <p>11 Q. And then over toward the west you</p> <p>12 run into Kimball and then Central Park on</p> <p>13 toward Avers on the west?</p> <p>14 A. Correct.</p> <p>15 Q. And for the record --</p> <p>16 (Discussion held off the record.)</p> <p>17 Leave the record running just give Stephanie a</p> <p>18 chance to --</p> <p>19 MS. ADAMS: Okay, I'm good. Sorry.</p> <p>20 Q. For the record, your counsel has</p> <p>21 marked the directions on Exhibit 31 just as</p> <p>22 we've listed them with N at the top of the</p> <p>23 page, S at the bottom of the page, E for east</p> <p>24 on the right side and W for west on the left</p> <p>25 side; correct?</p> <p style="text-align: right;">35</p> |
| <p>1 address of your old apartment.</p> <p>2 A. Home.</p> <p>3 Q. Okay, so just to confirm, Cortland</p> <p>4 does run east and west; right?</p> <p>5 A. It says Cortland you were asking</p> <p>6 me, not Spaulding?</p> <p>7 MR. GIVEN: Correct. He's asking</p> <p>8 you about Cortland.</p> <p>9 A. That's the reason why he threw me</p> <p>10 off with the Spaulding and that's why I'm like</p> <p>11 okay.</p> <p>12 Q. No question that I asked a</p> <p>13 confusing question, it was my bad, and I just</p> <p>14 want us to be clear about it, so that we can</p> <p>15 talk about it in a way that we all understand.</p> <p>16 That's my only purpose; okay?</p> <p>17 So if you look here at this map</p> <p>18 you'll see that toward the top of the page,</p> <p>19 that's north, right, as you go north from</p> <p>20 Cortland you get to Armitage and up toward</p> <p>21 Palmer going north of the city; right?</p> <p>22 A. Uh-huh.</p> <p>23 Q. You need to say yes or no?</p> <p>24 A. Oh, I apologize, yes.</p> <p>25 Q. And then if you go down toward the</p> <p style="text-align: right;">34</p> | <p>1 A. Correct.</p> <p>2 Q. And does that all make sense?</p> <p>3 A. Yes.</p> <p>4 Q. So let me try it again. If you're</p> <p>5 heading on Cortland Street going east, what's</p> <p>6 the first street you come to?</p> <p>7 A. Spaulding.</p> <p>8 Q. Spaulding. And if you're heading</p> <p>9 on Cortland Street going west, what's the</p> <p>10 street you come to?</p> <p>11 A. Central Park.</p> <p>12 Q. Before Central Park, do you get to</p> <p>13 Kimball?</p> <p>14 A. Oh, Kimball.</p> <p>15 Q. Would that be the first one you</p> <p>16 come to?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Now, you've mentioned</p> <p>19 in one of your prior answers an alley in the</p> <p>20 vicinity of your building.</p> <p>21 A. Correct.</p> <p>22 Q. Can you tell us where that alley</p> <p>23 runs in relation to your building?</p> <p>24 A. North and south.</p> <p>25 Q. And is it right along the east side</p> <p style="text-align: right;">36</p>                                                                                                                               |

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| <p>1 of the building?</p> <p>2 A. Yes.</p> <p>3 Q. Now, did there come a point on that</p> <p>4 afternoon that we're talking about when Felix</p> <p>5 was shot when you left out of your building at</p> <p>6 3320 and walked out into the street?</p> <p>7 A. Repeat the question again.</p> <p>8 Q. Did there come a point on the</p> <p>9 afternoon Felix was shot when you were at home</p> <p>10 at your apartment and you walked out of the</p> <p>11 apartment onto the street?</p> <p>12 A. Yes.</p> <p>13 Q. And can you tell us approximately</p> <p>14 what time of day that was to the best of your</p> <p>15 memory now?</p> <p>16 A. It was daylight. That's all I can</p> <p>17 tell you. I'm not going to sit here and say it</p> <p>18 was 10, 12, 1, 3, that I can't tell you. I</p> <p>19 cannot.</p> <p>20 Q. When you walked out of the</p> <p>21 building, when you first walked out, did you</p> <p>22 see anything unusual going on?</p> <p>23 A. Yes, a red car. There was a red</p> <p>24 car which was -- Felix was in. A gentleman</p> <p>25 that was actually shooting the -- shooting</p> <p style="text-align: right;">37</p> | <p>1 direction did you look?</p> <p>2 A. East.</p> <p>3 Q. And as between left and right, that</p> <p>4 would be left?</p> <p>5 A. As I'm walking down that was left.</p> <p>6 Q. And did you see -- where was Felix?</p> <p>7 Where was Felix?</p> <p>8 A. In the car.</p> <p>9 Q. Was he seated --</p> <p>10 A. On the driver --</p> <p>11 Q. I'm sorry -- you're good.</p> <p>12 A. On the driver's side.</p> <p>13 Q. I interrupted you. And you said</p> <p>14 that there was a man; yes?</p> <p>15 A. Correct.</p> <p>16 Q. And you described the man as</p> <p>17 shooting Felix?</p> <p>18 A. Correct.</p> <p>19 Q. Was the man facing toward you or</p> <p>20 away from you?</p> <p>21 A. Away from me.</p> <p>22 Q. Can you describe how that man</p> <p>23 looked?</p> <p>24 A. At the time when he was facing me</p> <p>25 -- when his back was towards me he had black</p> <p style="text-align: right;">39</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 Felix, and that's pretty much what was going</p> <p>2 on.</p> <p>3 Q. Tell me to the best you can exactly</p> <p>4 where Felix's red car was parked as you came</p> <p>5 out of the building?</p> <p>6 A. On the alley facing north and --</p> <p>7 facing north he was right there on -- repeat</p> <p>8 the question again, please.</p> <p>9 Q. Tell me exactly where Felix's car</p> <p>10 was when you came out of the building?</p> <p>11 A. On the alley facing north.</p> <p>12 Q. Was the car on the same side of</p> <p>13 Cortland or on the other side of Cortland from</p> <p>14 your apartment?</p> <p>15 A. It was on my -- on the side of the</p> <p>16 apartment.</p> <p>17 Q. Was the car visible as you -- and</p> <p>18 when you -- just to be clear, when you walked</p> <p>19 out of your apartment, did you walk out of the</p> <p>20 front door?</p> <p>21 A. Correct.</p> <p>22 Q. Was the car visible when you walked</p> <p>23 out of the apartment?</p> <p>24 A. Yes, it was.</p> <p>25 Q. And to look at the car, which</p> <p style="text-align: right;">38</p>                                                             | <p>1 hair -- a black jacket. He was wearing black.</p> <p>2 His hair was like gold-brownish in the back. I</p> <p>3 could tell -- you want me to go into details?</p> <p>4 Q. Yes, the best details you can.</p> <p>5 A. Okay. His back was turned to me so</p> <p>6 I ran into the --</p> <p>7 Q. Hang on just a second. Just the</p> <p>8 details as to how he looked.</p> <p>9 A. Okay. His hair was black and</p> <p>10 yellow, all black and probably that's pretty</p> <p>11 much all I can remember.</p> <p>12 Q. Anything else you can tell us about</p> <p>13 how he looked at that point?</p> <p>14 A. His back was turned on me.</p> <p>15 Q. I'm going to hand you another</p> <p>16 exhibit now which I'm going to mark for</p> <p>17 identification as Exhibit 32, and I don't have</p> <p>18 any extra copies of this. It's a color</p> <p>19 photograph. So I'm going to hand it to the</p> <p>20 other lawyers so that they can look at it. It</p> <p>21 has a Bates number on it, an identifying number</p> <p>22 which is C like cat P like police D like</p> <p>23 department, and the number 0093. And it is my</p> <p>24 understanding that this is one of the original</p> <p>25 crime scene photos from the investigation.</p> <p style="text-align: right;">40</p> |

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| <p>1 - - - - -<br/> 2 (Thereupon, Deposition Exhibit 32,<br/> 3 Photograph, was marked for purposes<br/> 4 of identification.)<br/> 5 - - - - -<br/> 6 Q. Do you recognize -- do you<br/> 7 recognize what's shown in that photograph,<br/> 8 Exhibit 32, which has just been placed before<br/> 9 you?<br/> 10 A. Yes.<br/> 11 Q. Can you tell us?<br/> 12 A. The apartment where I lived.<br/> 13 That's the apartment where I used to live at,<br/> 14 the alley where Felix got shot.<br/> 15 Q. In that photograph, are you able to<br/> 16 see the location where Felix's car was at the<br/> 17 time of the shooting?<br/> 18 A. Yes.<br/> 19 Q. And can you indicate -- actually I<br/> 20 need for you to tell us where that was and then<br/> 21 we'll ask you to make an indication.<br/> 22 MS. ADAMS: Do you want him to hold<br/> 23 it up for the camera?<br/> 24 Q. Why don't you just tell us as best<br/> 25 you can in words first, and then we'll use the</p> <p style="text-align: right;">41</p> | <p>1 photograph, and then we'll ask you to indicate<br/> 2 with your finger where it is that the car was<br/> 3 located.<br/> 4 A. (Indicating) in the alley right<br/> 5 here.<br/> 6 MR. BOWMAN: Hang on just a second<br/> 7 so the camera can get that, and Jeff let me<br/> 8 know when you have that.<br/> 9<br/> 10 THE VIDEOGRAPHER: We do.<br/> 11 Q. Okay. You can put it down now.<br/> 12 MS. ADAMS: You okay?<br/> 13 THE WITNESS: Yeah.<br/> 14 Q. What exactly was this person all in<br/> 15 black doing at that moment when you came out of<br/> 16 your apartment?<br/> 17 A. Shooting at Felix.<br/> 18 Q. Did you see a weapon?<br/> 19 A. At the moment, no.<br/> 20 Q. How did -- how is it that you knew<br/> 21 that he was shooting at Felix?<br/> 22 A. Because I heard like a BB gun<br/> 23 sounded like -- a BB gun sound.<br/> 24 Q. Can you tell me how many shots you<br/> 25 heard?</p> <p style="text-align: right;">43</p>                                                                                                                                                                                                 |
| <p>1 picture?<br/> 2 A. He was parked on the alley, like I<br/> 3 said, facing north. He was like parked right<br/> 4 there by the sidewalk.<br/> 5 Q. Was the car partially in the alley<br/> 6 or was it out on the street?<br/> 7 A. In the alley.<br/> 8 Q. And the car was pointed toward the<br/> 9 north, which was pointed toward Armitage?<br/> 10 A. Correct.<br/> 11 Q. So that meant that Felix, in the<br/> 12 passenger side, was closest to you?<br/> 13 MS. ROSEN: Objection. Form.<br/> 14 MR. BOWMAN: What's wrong with the<br/> 15 form?<br/> 16 MS. ROSEN: Felix in the driver's<br/> 17 -- you said passenger side.<br/> 18 MR. BOWMAN: Oh, I'm sorry. I<br/> 19 misspoke. Thanks.<br/> 20 Q. So Felix is in the driver's seat,<br/> 21 and that means he's in the side of the car<br/> 22 closest to you?<br/> 23 A. Correct.<br/> 24 Q. Why don't you now, with your<br/> 25 counsel's help if you could, hold up the</p> <p style="text-align: right;">42</p>                                  | <p>1 A. I just heard shots.<br/> 2 Q. Fair enough. And, Mr. Lopez, if at<br/> 3 some point you just don't know, that's fair<br/> 4 enough. I'm not -- it's not a test. I'm just<br/> 5 trying to get your best recollection, and I<br/> 6 appreciate again the extreme difficulty of this<br/> 7 testimony. Thank you for your cooperation.<br/> 8 Now, I'm going to show you at this<br/> 9 point another photograph, which I'm marking for<br/> 10 identification as Exhibit 33, and this also has<br/> 11 a Bates number on it and I wrote it down<br/> 12 because it's not easy to read on the document.<br/> 13 It is Bates number Bluhm, B-L-U-H-M, 045069,<br/> 14 and this photograph was taken at least 20 years<br/> 15 later, and I'm going to show it to the lawyers<br/> 16 and then I'll hand it to you.<br/> 17 - - - - -<br/> 18 (Thereupon, Deposition Exhibit 33,<br/> 19 Photograph, was marked for purposes<br/> 20 of identification.)<br/> 21 - - - - -<br/> 22 Q. Now, recognizing that it's much<br/> 23 later, are you able to recognize what's in this<br/> 24 photograph?<br/> 25 A. Yes.</p> <p style="text-align: right;">44</p> |



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| <p>1 Q. What does this show?</p> <p>2 A. An alley apartment.</p> <p>3 Q. And does it, in fact, show your</p> <p>4 same building, 3320 West Cortland?</p> <p>5 A. Correct.</p> <p>6 Q. And in this photograph, are you</p> <p>7 also able to see that spot where Felix's car</p> <p>8 was located on that afternoon?</p> <p>9 A. Yes.</p> <p>10 Q. And I'd ask you again if you could</p> <p>11 just hold up Exhibit 33 and point to the</p> <p>12 location where the car was parked on that</p> <p>13 picture.</p> <p>14 A. (Witness complies).</p> <p>15 MR. BOWMAN: And, Jeff, when you</p> <p>16 have that, let us know.</p> <p>17 THE VIDEOGRAPHER: Okay.</p> <p>18 Q. Okay. When you came out of the</p> <p>19 building, saw the man with his back to you</p> <p>20 dressed in black shooting at Felix, what did</p> <p>21 you do?</p> <p>22 A. Ran into this -- you can't see it</p> <p>23 in the picture -- can I show?</p> <p>24 Q. Sure.</p> <p>25 A. Right here in this indentation</p> <p style="text-align: right;">45</p>                                                                                                                                                                                                                                                                                                                              | <p>1 coming back like it was yesterday -- and gets</p> <p>2 in the car and just goes down, drives</p> <p>3 Spaulding, south of Spaulding -- goes down</p> <p>4 Spaulding and that's the last time I saw the</p> <p>5 car and the gentleman.</p> <p>6 Q. Prior to the point when you</p> <p>7 returned from the store, before you came --</p> <p>8 before you got back from the store, were you at</p> <p>9 any point able to see the shooter's face?</p> <p>10 A. No.</p> <p>11 Q. When you first came out of the</p> <p>12 building, did you know that it was Felix's car</p> <p>13 at the point in the alley that you indicated</p> <p>14 for us?</p> <p>15 A. Yes, I did.</p> <p>16 Q. And how did you know it was</p> <p>17 Felix's?</p> <p>18 A. He was picking up my sister and</p> <p>19 Moe, my brother-in-law, Israel Valentin, for a</p> <p>20 wedding.</p> <p>21 Q. And was Israel upstairs in the</p> <p>22 apartment at this time?</p> <p>23 A. As he was shooting him?</p> <p>24 Q. Yes.</p> <p>25 A. He was still upstairs, and then I</p> <p style="text-align: right;">47</p>                                                                                             |
| <p>1 right here (indicating), I ran into this</p> <p>2 indentation, so I had saw the shooter and</p> <p>3 that's what I did just watched him shoot, and</p> <p>4 then I ran.</p> <p>5 Q. At any time did you go to a store?</p> <p>6 A. Correct, yes, I did.</p> <p>7 Q. So can you tell me the sequence of</p> <p>8 events from when you first saw the man dressed</p> <p>9 in black shooting at Felix until the point when</p> <p>10 you got to the indentation?</p> <p>11 A. Well, I saw the gentleman shooting</p> <p>12 at Felix, with his back turned to me, and I ran</p> <p>13 into the indentation or the corner, ran to the</p> <p>14 store, told the store -- the owner of the store</p> <p>15 they're shooting somebody at the alley, could</p> <p>16 you call the police? He said whatever, you</p> <p>17 know, just blew me off and said, you know, I</p> <p>18 didn't see nothing. As I vividly remember him</p> <p>19 saying I didn't see nothing. I ran back, and</p> <p>20 as I go back to the corner, at this time the</p> <p>21 gentleman shot probably twice more and turned</p> <p>22 his face towards me. He did not see me. And</p> <p>23 then he ran towards the car, and as he ran</p> <p>24 towards the car he again glanced back to see if</p> <p>25 there was anybody around -- everything is</p> <p style="text-align: right;">46</p> | <p>1 like came to -- like I said, got in -- ran into</p> <p>2 the store and he shot -- Israel came down</p> <p>3 running, hysterical, and saw his brother shot,</p> <p>4 screaming, and he just got in the car and</p> <p>5 started driving it, you know, erratically and,</p> <p>6 you know, that was pretty much it.</p> <p>7 Q. I'm going to hand you next a</p> <p>8 photograph that has a hard to read Bates</p> <p>9 designation on it. It's Bluhm 045067, and I'll</p> <p>10 mark it for identification as Exhibit 34, and</p> <p>11 this photograph was also one that was taken 20</p> <p>12 years plus after the events.</p> <p>13 - - - - -</p> <p>14 (Thereupon, Deposition Exhibit 34,</p> <p>15 Photograph, was marked for purposes</p> <p>16 of identification.)</p> <p>17 - - - - -</p> <p>18 Q. And your counsel has placed Exhibit</p> <p>19 34 in front of you, Mr. Lopez, and my question</p> <p>20 for you is if you can tell me what's shown in</p> <p>21 that picture.</p> <p>22 A. The door that I ran out of.</p> <p>23 Q. Are you --</p> <p>24 A. Well, the door is not there, but</p> <p>25 that was the entranceway --</p> <p style="text-align: right;">48</p> |

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| <p>1 Q. That you ran out of?</p> <p>2 A. Ran out of -- Well, came out and</p> <p>3 saw him and hid.</p> <p>4 Q. Then my next question is are you</p> <p>5 able in that photograph to see the store that</p> <p>6 you ran to?</p> <p>7 A. Yes.</p> <p>8 Q. And can you -- I think probably the</p> <p>9 easiest thing to do would be to ask you to hold</p> <p>10 up Exhibit 34 as you have in the past and point</p> <p>11 for us to the store that you ran to?</p> <p>12 A. Corner (indicating).</p> <p>13 Q. And can you tell me what the cross</p> <p>14 street is at that corner?</p> <p>15 A. That's Kimball.</p> <p>16 MR. BOWMAN: Jeff, did you get that</p> <p>17 okay?</p> <p>18 THE VIDEOGRAPHER: Yes.</p> <p>19 Q. How long did it take you to, from</p> <p>20 the time that you first came out of your</p> <p>21 building until the point when you got down to</p> <p>22 the end of the block to the store?</p> <p>23 A. Everything is quick. It was bam,</p> <p>24 bam, and that's pretty much all I can tell you.</p> <p>25 I couldn't tell you it took 10, 15, that I</p> <p style="text-align: right;">49</p>                                                                                                                                                                          | <p>1 Minding my -- you know, I was going to go to</p> <p>2 the store. I saw the gentleman shooting. I</p> <p>3 heard the noise, you know, the BB gun sound,</p> <p>4 and when I saw him turning he was, you know, he</p> <p>5 was like this (indicating) his back. That's</p> <p>6 when I ran into -- I just went right in, slid</p> <p>7 there in the indentation and I looked for</p> <p>8 probably -- it seemed like -- I don't know,</p> <p>9 just hid there and that's pretty much what I</p> <p>10 did.</p> <p>11 Q. And at that point then you went to</p> <p>12 the store?</p> <p>13 A. Correct.</p> <p>14 Q. And then you came back --</p> <p>15 A. Correct.</p> <p>16 Q. -- after the store? And tell me</p> <p>17 where you went after you got back from the</p> <p>18 store.</p> <p>19 A. Back to the spot that I hid</p> <p>20 earlier.</p> <p>21 Q. All right. And it was at that</p> <p>22 point when you came back and hid again that you</p> <p>23 were able for the first time --</p> <p>24 A. To see his face.</p> <p>25 Q. -- to see his face. All right.</p> <p style="text-align: right;">51</p> |
| <p>1 cannot tell you. I just remember everything</p> <p>2 just quick. It seemed like -- it just it was</p> <p>3 quick to me. Everything was quick and</p> <p>4 everything that's --</p> <p>5 Q. Can you describe your emotions at</p> <p>6 that point in time, how you were feeling?</p> <p>7 A. I was in -- pretty much shocked</p> <p>8 like what was going on there I couldn't -- I</p> <p>9 really didn't know -- at that age as I remember</p> <p>10 it was just like okay. At the time I didn't</p> <p>11 have emotions because I was just reacting as I</p> <p>12 remembered, just reacting I guess.</p> <p>13 Q. Were you afraid that something</p> <p>14 might happen to you that you could be hurt?</p> <p>15 A. Obviously as I look back now that</p> <p>16 I'm 37 years old then, no, because I was just</p> <p>17 reacting. Normally if you were scared you</p> <p>18 would have just ran the other way, never came</p> <p>19 back to the spot. That's me thinking now, you</p> <p>20 know, so that --</p> <p>21 Q. Fair enough. Did you, on your way</p> <p>22 down to the store, stop at this indentation</p> <p>23 point in your building or did you go straight</p> <p>24 to the store first?</p> <p>25 A. No. First I came down the stairs.</p> <p style="text-align: right;">50</p> | <p>1 Let me hand you next a photograph that is Bates</p> <p>2 number Bluhm 045062. I've marked it for</p> <p>3 identification as Exhibit 35.</p> <p>4 - - - - -</p> <p>5 (Thereupon, Deposition Exhibit 35,</p> <p>6 Photograph, was marked for purposes</p> <p>7 of identification.)</p> <p>8 - - - - -</p> <p>9 MS. ROSEN: Did you say 62?</p> <p>10 MR. BOWMAN: I did.</p> <p>11 Q. And, Mr. Lopez, I'll represent to</p> <p>12 you again that Exhibit 35 is a photograph that</p> <p>13 was taken over 20 years after the events.</p> <p>14 Recognizing that, are you able to recognize</p> <p>15 what's shown in that photograph?</p> <p>16 A. The house that I lived in and the</p> <p>17 corner that I hid.</p> <p>18 Q. In that photograph can you also see</p> <p>19 the place where Felix's car was parked?</p> <p>20 A. Yes.</p> <p>21 Q. What I'm going to ask you to do</p> <p>22 with this photograph is if you could put your</p> <p>23 initials O.L. at that place in the photograph</p> <p>24 where you were hiding.</p> <p>25 A. (Witness complies).</p> <p style="text-align: right;">52</p>        |



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| <p>1 Q. And then don't let go of the pen<br/>2 just yet. If you could write the word, car, at<br/>3 the location where Felix's car was?<br/>4 A. (Witness complies).<br/>5 Q. And then I'll ask you, if you could<br/>6 once again, to hold up the photograph, and<br/>7 first I'd like you to indicate with your finger<br/>8 or with the pen if that's easier, first just<br/>9 point to the place where you've written your<br/>10 initials where you were hiding.<br/>11 A. (Witness complies).<br/>12 MR. BOWMAN: Okay, Jeff?<br/>13 THE VIDEOGRAPHER: Yes.<br/>14 Q. All right. And then before you put<br/>15 it down, if you could then next point to the<br/>16 place where the car was located?<br/>17 A. (Witness complies).<br/>18 Q. And that's at the alley at the end<br/>19 of the building; yes, sir?<br/>20 A. Correct.<br/>21 Q. Thank you very much.<br/>22 Now, when you came back to your<br/>23 hiding place for the second time, tell us what<br/>24 you saw.<br/>25 A. Repeat the question again.</p> <p style="text-align: right;">53</p>                                                                                                                                                                                             | <p>1 like Puerto Rican to me with his hair and still<br/>2 wearing the jacket and --<br/>3 Q. Other than that he was Hispanic and<br/>4 olive colored, is there anything else you can<br/>5 tell us about his face?<br/>6 A. It's like I said, I just like --<br/>7 his face is imprinted in my face -- in my<br/>8 brain. I cannot get it out of my face as we<br/>9 speak and as we bring up all this stuff that's,<br/>10 you know, the past that I hate to talk about,<br/>11 and brown hair, you know, brownish hair, you<br/>12 know, like the dark hair and that was pretty<br/>13 much all I could tell you.<br/>14 Q. Have you now told me everything<br/>15 that you can about the way his face looked?<br/>16 A. Yes.<br/>17 Q. Now, you say that he ran away.<br/>18 Which direction did he run?<br/>19 A. He ran north -- no, I apologize,<br/>20 east.<br/>21 Q. And is that toward you or away from<br/>22 you?<br/>23 A. Away from me.<br/>24 Q. And what was he running toward?<br/>25 A. A car.</p> <p style="text-align: right;">55</p>                                                                                                  |
| <p>1 Q. When you came back to your hiding<br/>2 place for the second time, coming back from the<br/>3 store, tell us what you saw.<br/>4 A. The gentleman that I -- I ran back<br/>5 to the corner because the gentleman was not<br/>6 done shooting Felix, and then when he turned --<br/>7 he finally finished pretty much, and then when<br/>8 he turned around just looked around to see if<br/>9 there was any witness I assume, eye witness,<br/>10 and then he ran before he got into the car that<br/>11 he got away with he also turned again, and then<br/>12 got in the car and they left.<br/>13 Q. All right. Now, when he turned<br/>14 around the first time, for how many seconds<br/>15 were you able to look at his face?<br/>16 A. Felt like an eternity. He looked.<br/>17 Let's just say he looked, put his gun in, ran<br/>18 to the car, he looked before he got into the<br/>19 car, he looked again, and I was able to see his<br/>20 face. Like I said, it felt like an eternity,<br/>21 enough to see his face just put it that way.<br/>22 Q. What can you tell me about his<br/>23 face?<br/>24 A. Hispanic and like a olive color,<br/>25 you know, just a olive color. He was -- looked</p> <p style="text-align: right;">54</p> | <p>1 Q. Can you describe the car that he<br/>2 was running toward?<br/>3 A. If my mind serves me right in the<br/>4 sense of the car, it was like either a blue or<br/>5 a brown -- it was just like I said it was a<br/>6 Chevy I'm assuming -- no, I'm not assuming. It<br/>7 was a Chevy. As far as the color goes, that I<br/>8 don't recall. If I recall I said brown and<br/>9 then I said blue, but that just vividly just --<br/>10 but I remember it was like a Chevy.<br/>11 Q. And was someone else in the car?<br/>12 A. Of course the guy that was driving.<br/>13 He got in the passenger side and the get away<br/>14 -- the guy that was driving to get away.<br/>15 Q. Did you ever see the man who was<br/>16 driving the car?<br/>17 A. No.<br/>18 Q. Do you know whether it was a man or<br/>19 a woman?<br/>20 A. That I couldn't tell you because I<br/>21 never saw the individual inside the car.<br/>22 Q. Now, where was the car as this man<br/>23 wearing black was running toward it?<br/>24 A. Where is the other picture at?<br/>25 See, this where the white car is at facing west</p> <p style="text-align: right;">56</p> |

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| <p>1 double parked -- do you want me to just show</p> <p>2 you right here so that way I can see where I'm</p> <p>3 pointing at.</p> <p>4 Q. Yeah.</p> <p>5 A. Where the white car is at, the</p> <p>6 location facing the double -- you know, the car</p> <p>7 is still facing this way (indicating). Their</p> <p>8 car was facing east, and it was parked right</p> <p>9 there (indicating).</p> <p>10 Q. May I see the photograph, please?</p> <p>11 A. Yeah.</p> <p>12 Q. So if you had to estimate, how many</p> <p>13 car lengths down the street was the getaway car</p> <p>14 from the alley?</p> <p>15 A. Where the car is at probably one.</p> <p>16 Q. The white car that you indicated is</p> <p>17 the one shown in Exhibit 35 here?</p> <p>18 A. Correct.</p> <p>19 MR. BOWMAN: I don't know, Jeff,</p> <p>20 did --</p> <p>21 A. Did you catch that?</p> <p>22 MR. BOWMAN: Did you catch that?</p> <p>23 MS. ROSEN: Can I see the photo?</p> <p>24 A. She wants to see the picture.</p> <p>25 MR. BOWMAN: Absolutely.</p> <p style="text-align: right;">57</p>                                       | <p>1 Q. Did you recognize him as somebody</p> <p>2 you had seen playing baseball at Humboldt Park?</p> <p>3 A. No.</p> <p>4 MR. BOWMAN: I'd like to take a</p> <p>5 short break at this point.</p> <p>6 THE VIDEOGRAPHER: Off the record.</p> <p>7 The time is 12:01.</p> <p>8 (Recess taken 12:01 p.m.)</p> <p>9 - - - - -</p> <p>10</p> <p>11 THE VIDEOGRAPHER: Back on the</p> <p>12 record 12:18.</p> <p>13 (Deposition resumed 12:18 p.m.)</p> <p>14 Q. Mr. Lopez, did there come a point</p> <p>15 where you saw the gun in the shooter's hand?</p> <p>16 A. Show me the gun. At one point I</p> <p>17 did show -- I did see the gun.</p> <p>18 Q. Can you tell us at what point that</p> <p>19 was?</p> <p>20 A. When I was in the -- as he turned</p> <p>21 to look and as he went to put it away.</p> <p>22 Q. And that was the first time that he</p> <p>23 turned around?</p> <p>24 A. Correct.</p> <p>25 Q. Is that the only time that you saw</p> <p style="text-align: right;">59</p>                                                                                                                                                                                                            |
| <p>1 Q. Where in relation to the get away</p> <p>2 car was the man standing when he turned around</p> <p>3 the second time?</p> <p>4 A. Getting in the car.</p> <p>5 Q. So he was standing right by the</p> <p>6 car?</p> <p>7 A. Correct.</p> <p>8 Q. And when he turned around the</p> <p>9 second time, for how many seconds did you see</p> <p>10 his face then?</p> <p>11 A. Just good enough time, but that I</p> <p>12 can -- like I said, everything was quick in an</p> <p>13 instant, so I would see his face he looked</p> <p>14 vividly real good to look around and then got</p> <p>15 into the car.</p> <p>16 Q. Is there anything additional that</p> <p>17 you saw about his face the second time that you</p> <p>18 hadn't noticed the first time?</p> <p>19 A. No, the same thing, and pretty much</p> <p>20 that's it.</p> <p>21 Q. As you looked at this individual</p> <p>22 dressed in black who turned around at least two</p> <p>23 times, did you recognize him as somebody you</p> <p>24 had seen before?</p> <p>25 A. Prior to the shooting no.</p> <p style="text-align: right;">58</p> | <p>1 the gun?</p> <p>2 A. That was the only time.</p> <p>3 Q. Now, I want to turn with you to the</p> <p>4 discussions you had with the police about the</p> <p>5 case.</p> <p>6 Can you tell me what the first</p> <p>7 contact was, the very first, that you had with</p> <p>8 any police officers about Felix's shooting?</p> <p>9 A. It was at nighttime.</p> <p>10 Q. On the same day?</p> <p>11 A. Same day.</p> <p>12 Q. Tell me what you remember.</p> <p>13 A. I remember there was -- it was a</p> <p>14 raucous in the house with all the cops in</p> <p>15 there, one of the blues, you know -- because I</p> <p>16 called them back in the day the blue boys, and</p> <p>17 they started asking me questions, whether they</p> <p>18 shot the -- did I saw the shooting and I said</p> <p>19 yes. And they said who, and I said, you know,</p> <p>20 I refer -- I said there was -- they asked me</p> <p>21 what direction did the car go, and I said the</p> <p>22 other way and I said they were Latin Kings that</p> <p>23 did it, Latin Kings that did it.</p> <p>24 And that's when they started</p> <p>25 bringing me pictures, as I recall, and I</p> <p style="text-align: right;">60</p> |

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| <p>1 started seeing books of the Latin Kings, and as<br/> 2 I saw them -- I'm assuming two books I went<br/> 3 through probably or -- and then I finally<br/> 4 pointed out Jacques Rivera at the point because<br/> 5 he, you know, resembled the shooter at the<br/> 6 time, and that was pretty much it.<br/> 7 They asked me are you sure? Are<br/> 8 you sure? And at the moment I said yes, I was<br/> 9 sure that he was the shooter at that time. And<br/> 10 they went from there.<br/> 11 Q. I've actually skipped over one<br/> 12 thing. When the shooter got into the car, what<br/> 13 direction of travel did the car take?<br/> 14 A. Went east and then turned south.<br/> 15 Q. And did that have any significance<br/> 16 to you at that time?<br/> 17 A. At the time that's the reason why I<br/> 18 assumed they were Latin Kings that did the<br/> 19 shooting.<br/> 20 Q. And tell me why was that?<br/> 21 A. Because the gang that my<br/> 22 brother-in-law was in, they were, you know,<br/> 23 Maniac Campbell Boys, so I was, you know -- the<br/> 24 assumption was, okay, they were the ones<br/> 25 because they were watching probably, and that's</p> <p style="text-align: right;">61</p> | <p>1 hair that connected up to that -- to those gang<br/> 2 colors?<br/> 3 A. They were pretty much the similar<br/> 4 colors they had on. They were black and yellow<br/> 5 on his -- he had a ponytail. I call it a<br/> 6 mullet now and it was just dyed back there,<br/> 7 dyed the color yellow or -- it was yellow to<br/> 8 me, so --<br/> 9 Q. It appeared to be a yellow dye of<br/> 10 the hair?<br/> 11 A. Correct.<br/> 12 Q. Anything else about the hair that<br/> 13 you noticed?<br/> 14 A. That was it.<br/> 15 Q. Now, on that first night, did you<br/> 16 talk to any police officers outside of your<br/> 17 apartment?<br/> 18 A. No, I did not.<br/> 19 Q. The only police officers you talked<br/> 20 to --<br/> 21 A. Were inside.<br/> 22 Q. -- were inside?<br/> 23 A. Inside correct.<br/> 24 Q. I know you said that you talked to<br/> 25 some uniformed officers, which you referred to</p> <p style="text-align: right;">63</p>                                                                                                                                                                                                                                                             |
| <p>1 when they head down to the -- the reason why<br/> 2 the assumption came about was the fact that<br/> 3 they went down south on Spaulding.<br/> 4 Q. And what was significant about<br/> 5 that?<br/> 6 A. That was the territory of the Latin<br/> 7 Kings.<br/> 8 Q. Other than the fact that Felix,<br/> 9 your -- did you refer to Felix as your<br/> 10 brother-in-law?<br/> 11 A. No. My brother-in-law was Israel<br/> 12 Valentin.<br/> 13 Q. Other than the fact that Felix was<br/> 14 a Campbell Boy and the car went off down<br/> 15 Spaulding to the south, is there any other<br/> 16 thing that made you conclude that the shooter<br/> 17 was a Latin king?<br/> 18 A. His hair, the color of his hair.<br/> 19 Q. Tell me about that.<br/> 20 A. In Chicago Latin Kings wear their<br/> 21 black and yellow, they -- you know, that's<br/> 22 their pride. They proudly wear their colors,<br/> 23 and that was another way of showing their<br/> 24 affiliation of their gang.<br/> 25 Q. And what was it about the shooter's</p> <p style="text-align: right;">62</p>                                                                                                                                | <p>1 as blue boys, did you talk to any officers that<br/> 2 first night who were not in uniform, who were<br/> 3 wearing plainclothes?<br/> 4 A. That I do not recall. I just<br/> 5 remember blue boy -- you know, the uniform<br/> 6 officers.<br/> 7 Q. Now, I need to be clear with you<br/> 8 about one thing, okay, and I'm not trying to<br/> 9 suggest one thing or another. I just want to<br/> 10 understand. Sometimes we say, you know, I<br/> 11 don't remember something, and I'm saying I<br/> 12 don't remember because I'm telling you I don't<br/> 13 remember that. I don't know if that happened.<br/> 14 Another time we say I don't<br/> 15 remember is when, you know, it could have been,<br/> 16 maybe, maybe not, I'm just not sure, I don't<br/> 17 remember. In terms of the question I just<br/> 18 asked about talking to nonuniform police<br/> 19 officers, which is it, I don't remember, maybe,<br/> 20 or I don't remember because I'm pretty sure<br/> 21 not?<br/> 22 A. Blue boys, that's what I remember<br/> 23 talking to, blue boys.<br/> 24 Q. All right. Fair enough. Was there<br/> 25 one officer in particular that you talked to or</p> <p style="text-align: right;">64</p> |

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| <p>1 sat down with you?</p> <p>2 A. Look, I'm going to tell you right</p> <p>3 now what I remember was it was chaotic in my</p> <p>4 home. There was a lot of people in and out of</p> <p>5 my apartment, and all I remember just the</p> <p>6 officers that were in my home. They were</p> <p>7 asking me questions. They were showing me</p> <p>8 pictures. And they were just showing me the</p> <p>9 pictures of who, what, where, and why, and how,</p> <p>10 and because, and I answered those questions at</p> <p>11 the time to the best of my ability at the time.</p> <p>12 That's when I was a young child.</p> <p>13 Q. And so just to be clear, you told</p> <p>14 them what you had seen.</p> <p>15 Did you tell them what you had seen</p> <p>16 just as you recounted it here a few minutes</p> <p>17 ago?</p> <p>18 A. Correct. I told them exactly what</p> <p>19 I told you which direction they went, what he</p> <p>20 was wearing, it sounded like a BB -- you know,</p> <p>21 just tell them everything I knew at the time,</p> <p>22 what I saw.</p> <p>23 Q. Any difference between what you</p> <p>24 testified here this morning and what you told</p> <p>25 those uniformed officers that night?</p> <p style="text-align: right;">65</p>                         | <p>1 and -- that was pretty much -- we nipped it in</p> <p>2 the bud right there that night.</p> <p>3 Q. Now, how much time went by between</p> <p>4 when you said I believe the guy is a Latin King</p> <p>5 and they showed you the books? Did they have</p> <p>6 to go get the books from someplace?</p> <p>7 A. Honestly I don't recall where they</p> <p>8 got the books somewhere or not. I just knew</p> <p>9 they had books and -- like I said, I remember</p> <p>10 telling my sister who did it. She came back</p> <p>11 with the cops because that's when -- you know,</p> <p>12 that's when they came back and I recall my</p> <p>13 sister being in there. And that's where we</p> <p>14 went from.</p> <p>15 And at the time my mother was very</p> <p>16 upset at me. She was just telling me to shut</p> <p>17 up, don't say nothing, and that's how</p> <p>18 everything went about.</p> <p>19 Q. So when you say your sister, which</p> <p>20 sister are you referring to?</p> <p>21 A. Marilyn Lopez.</p> <p>22 Q. And what was the conversation</p> <p>23 between you and Marilyn?</p> <p>24 A. I just told her who did it and that</p> <p>25 was enough said, and then that's when she --</p> <p style="text-align: right;">67</p>                                                          |
| <p>1 MR. GIVEN: Objection. Form.</p> <p>2 A. Only thing just like I said at the</p> <p>3 moment and what was presented me at the time</p> <p>4 was the pictures of the Latin Kings. I pointed</p> <p>5 out to the Latin Kings. And I told them the</p> <p>6 direction they went. And that was pretty much</p> <p>7 it.</p> <p>8 Q. Did they -- let me ask you this.</p> <p>9 As best as you can remember, I understand it</p> <p>10 was chaotic and it's been long time ago and</p> <p>11 that you were young at the time. I just need</p> <p>12 to ask, and if you can't say any more than what</p> <p>13 you've said, that will be fine, but I do need</p> <p>14 to ask.</p> <p>15 Can you, as best you can describe</p> <p>16 it, tell me what they asked you about the</p> <p>17 shooter?</p> <p>18 A. What they asked me was just are you</p> <p>19 sure? They asked me, did you see the shooter?</p> <p>20 I said yes. When I said yes they said who was</p> <p>21 it, what gang -- they asked me no gangs. I'm</p> <p>22 the one that pointed out the gang. Once I</p> <p>23 pointed out the gang, then they addressed me to</p> <p>24 the books and from the books I pointed out the</p> <p>25 individual and then after that, that was said</p> <p style="text-align: right;">66</p> | <p>1 everything -- that's when all the cops came</p> <p>2 that night, and I was doing my part to help the</p> <p>3 police.</p> <p>4 Q. And to be clear, when you told</p> <p>5 Marilyn who did it, what did you say to her?</p> <p>6 A. I know who did it. I know who did</p> <p>7 it. That was it.</p> <p>8 Q. And was that -- and what did you</p> <p>9 mean by that, that you knew the name of the</p> <p>10 individual or what?</p> <p>11 A. No, not the -- I didn't know the</p> <p>12 individual. I just said I know who did it and</p> <p>13 before the -- before it led up to the cops</p> <p>14 coming to my house she ran -- she actually</p> <p>15 walked towards the east to go to Campbell and</p> <p>16 LeMoyne to go with her husband -- well, they</p> <p>17 never got married, but Moe, her boyfriend, to</p> <p>18 go -- because she was hysterical and she walked</p> <p>19 all the way towards Campbell, and that's why I</p> <p>20 just remember her walking, and the direction</p> <p>21 she was walking was to go to the neighborhood</p> <p>22 of Campbell and LeMoyne to be with her -- to be</p> <p>23 with him and the family. That's what I'm</p> <p>24 assuming she did, and that's pretty much what</p> <p>25 happened then, pretty much.</p> <p style="text-align: right;">68</p> |



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| <p>1 Q. Did the police come back with her<br/>2 then later on?<br/>3 A. I just remember her being there.<br/>4 Q. Now, will you describe the books<br/>5 that were brought to your home that you looked<br/>6 at, just best description you can give other<br/>7 than that?<br/>8 A. They were like that (indicating).<br/>9 What is that called, binders? They were<br/>10 binders full of pictures in them.<br/>11 Q. And you're indicating a binder<br/>12 that's here on the table, and obviously didn't<br/>13 completely resemble the binder, we understand<br/>14 that, but it looks somewhat like that?<br/>15 A. Somewhat like that.<br/>16 Q. And it was like a loose leaf<br/>17 binder with --<br/>18 A. Correct, where you flip the pages<br/>19 and you was able to see through it.<br/>20 Q. The binder that you've indicated on<br/>21 the table here is maybe about two and a half,<br/>22 three inches thick, is that similar to the<br/>23 binders that you looked at on the night Felix<br/>24 was shot?<br/>25 A. Yes.</p> <p style="text-align: right;">69</p>                  | <p>1 Q. So they told you that there were<br/>2 Latin Kings in the binders?<br/>3 MR. GIVEN: Objection.<br/>4 Mischaracterizes his testimony.<br/>5 A. They never told me they were Latin<br/>6 Kings. I'm the one that -- I was the one that<br/>7 said they were Latin Kings, and they brought me<br/>8 the books. And in the binder were just Latin<br/>9 Kings in there. Nobody told me, yeah, these<br/>10 are the books of the Latin Kings. They never<br/>11 said that.<br/>12 Q. Got it. My apologies. I don't<br/>13 want to mischaracterize anything.<br/>14 So what made you conclude that<br/>15 there were pictures of Latin Kings in the<br/>16 binders?<br/>17 A. Because I said that the suspect was<br/>18 a Latin King, that did the shooting, and that's<br/>19 a Latin King, so they brought me a book of<br/>20 Latin Kings.<br/>21 Q. And that was just your assumption?<br/>22 A. Correct.<br/>23 Q. Fair enough.<br/>24 And did somebody sit with you while<br/>25 you were looking at the pictures in the books?</p> <p style="text-align: right;">71</p>                                             |
| <p>1 Q. Can you estimate how many pages<br/>2 were in the binder?<br/>3 A. That I can't tell you. I don't<br/>4 want to assume what was in there and what was<br/>5 not. I just -- like I said, I saw just saw the<br/>6 pictures and it was a nice thick binder and<br/>7 there was a lot of pictures in them.<br/>8 Q. How many binders did you look at?<br/>9 Actually, before I ask you that let me ask you<br/>10 this.<br/>11 How many binders were brought to<br/>12 your home?<br/>13 A. There was a few.<br/>14 Q. Were there more binders brought to<br/>15 your home than you looked at?<br/>16 A. All I could tell you is, if my<br/>17 memory serves me right, when that event<br/>18 happened I think I saw one or one -- either one<br/>19 or two at the most, tops two, that -- that way<br/>20 if my mind serves me right.<br/>21 Q. What did they say to you about the<br/>22 binders?<br/>23 A. That I don't remember what they<br/>24 told me. They just showed me here's the Latin<br/>25 Kings and that was it. That's all I remember.</p> <p style="text-align: right;">70</p> | <p>1 A. There were cops all around me.<br/>2 Q. Was there a -- did you sit at a<br/>3 table?<br/>4 A. No. I was at a chair.<br/>5 Q. And were you talking to a police<br/>6 officer as you were looking at the books?<br/>7 A. They let me be and let me -- just<br/>8 take your time. Just look at the pictures.<br/>9 Q. How long did you look at pictures<br/>10 for?<br/>11 A. Remember I was a child. I can't<br/>12 really tell you an hour or two. I cannot tell<br/>13 you that. I just remember looking through some<br/>14 and picking out Jacques Rivera.<br/>15 Q. Can you estimate how many pictures<br/>16 you looked at?<br/>17 A. If you want me to give you a<br/>18 number, I cannot give you a number.<br/>19 Q. Can you ballpark it for me?<br/>20 A. Probably -- let's just say I went<br/>21 through a book. I don't want to assume it. I<br/>22 don't want to say that I did how many. I don't<br/>23 want to do that. I want to be clear to what I<br/>24 said. I don't want to add on or take away. I<br/>25 don't want to do that. I want to stick to what</p> <p style="text-align: right;">72</p> |

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| <p>1 I remember, and that's what I remember just<br/> 2 going through a book of pictures of Latin Kings<br/> 3 and once I came to that -- when I saw the<br/> 4 individual, which was Jacques Rivera, I pointed<br/> 5 him out and they asked me are you sure? Are<br/> 6 you sure? And my response was yes, I am.<br/> 7 Nobody pressured me to doing anything. I just<br/> 8 went based on what I felt and what I saw and<br/> 9 the resemblance of Jacques Rivera.<br/> 10 Q. What was it about the picture of<br/> 11 Jacques Rivera --<br/> 12 A. His hair in the picture that they<br/> 13 showed me -- that I saw. They didn't show me.<br/> 14 I saw. They brought to me and I saw that it<br/> 15 was -- the hair was the similar hair style.<br/> 16 Q. Other than the hair, was there<br/> 17 anything else about --<br/> 18 A. To me they resembled --<br/> 19 Q. Hang on. You've got to let me ask<br/> 20 the question before --<br/> 21 A. I apologize.<br/> 22 Q. No worries. Other than the hair,<br/> 23 was there anything else about Jacques Rivera's<br/> 24 appearance in the photograph that caused you to<br/> 25 select his picture?</p> <p style="text-align: right;">73</p> | <p>1 officer said to you while you were looking at<br/> 2 the pictures before you got to Mr. Rivera's<br/> 3 picture?<br/> 4 A. I don't remember that.<br/> 5 Q. After the officers asked you are<br/> 6 you sure, are you sure, and you said yes, what<br/> 7 other conversation was there between you and<br/> 8 the police that night?<br/> 9 A. They would be in contact. They<br/> 10 would be in contact.<br/> 11 Q. Did they say anything else to you<br/> 12 at all?<br/> 13 A. That I don't -- like I said, I<br/> 14 don't -- I just remember picking out. They saw<br/> 15 who it was -- they pointed out -- my vivid --<br/> 16 the memory of it was after I did all that they<br/> 17 left and any conversation was probably with my<br/> 18 mother.<br/> 19 Q. All right. Now, when after this<br/> 20 occasion is the very next time that you had any<br/> 21 interaction with any Chicago police officer<br/> 22 about Felix's shooting? What's the next thing<br/> 23 that happened?<br/> 24 A. The next person that came into as<br/> 25 far as another officer was a detective, the</p> <p style="text-align: right;">75</p> |
| <p>1 A. He looked like the shooter.<br/> 2 Q. Can you point -- I realize that.<br/> 3 Can you point to anything else?<br/> 4 A. The hair and the way his features<br/> 5 were.<br/> 6 Q. Can you say anything about the way<br/> 7 his features were?<br/> 8 A. He have olive skin at the time --<br/> 9 he looked olive skinned in the picture also and<br/> 10 that's what he looked like.<br/> 11 Q. Anything else that you can report?<br/> 12 A. No.<br/> 13 Q. Now can you describe the officer<br/> 14 who said to you are you sure, are you sure,<br/> 15 after you pointed to Jacques Rivera's picture?<br/> 16 A. That I cannot tell you because I do<br/> 17 not remember who it was.<br/> 18 Q. Was this an officer with a uniform<br/> 19 on?<br/> 20 A. Yeah, all the officers was around<br/> 21 me.<br/> 22 Q. Were there a number of officers<br/> 23 around you as you were looking at the pictures?<br/> 24 A. Correct.<br/> 25 Q. Do you remember anything that any</p> <p style="text-align: right;">74</p>                                                                                                                                                                       | <p>1 detective. I don't remember his name, but I<br/> 2 remember the feature. He had like, you know, a<br/> 3 fro with some glasses, and he was the only one<br/> 4 that was talking to me after that.<br/> 5 Q. When you say fro, do you mean --<br/> 6 you mean like the kinky hair --<br/> 7 A. Yeah, you want to call it kinky,<br/> 8 yes.<br/> 9 Q. I don't want to disrespect anybody;<br/> 10 okay?<br/> 11 A. No, you --<br/> 12 Q. If that's not a word that you would<br/> 13 use, I don't want to --<br/> 14 A. I know, that's why I'm saying fro.<br/> 15 Q. Fro, okay. And how long was his<br/> 16 fro?<br/> 17 A. Just a regular nice, you know,<br/> 18 trimmed -- not trimmed, but, you know, it was a<br/> 19 nice height. You know, he had a fro.<br/> 20 Q. And did he have any facial hair?<br/> 21 A. Yeah, mustache.<br/> 22 Q. And you said he wore glasses?<br/> 23 A. Correct.<br/> 24 Q. And what was he light skinned or<br/> 25 dark skinned?</p> <p style="text-align: right;">76</p>                                                                                                                            |



1 A. Light skinned.  
 2 Q. Now, you say that he was the  
 3 officer who was dealing with you after that?  
 4 A. Correct.  
 5 Q. When -- did you see that -- we'll  
 6 call him the officer with the fro; okay?  
 7 A. I'm just going to call him  
 8 detective, just refer to him as detective.  
 9 Q. The detective?  
 10 A. Yes.  
 11 Q. Did you have any interaction with  
 12 the detective on that first night when you were  
 13 looking at gang books?  
 14 A. I don't recall that day. I just  
 15 recall the officers.  
 16 Q. Fair enough. I was just checking.  
 17 Now, so when is the first time that  
 18 the detective showed up and what happened?  
 19 A. Now that I sit back and see the  
 20 time, man, I just recall being in his car,  
 21 going to the lineup. That's the only thing I  
 22 can remember him prior to the shoot -- you  
 23 know, after the shooting to take me to the  
 24 lineup if my memory serves me right.  
 25 Q. Now, you've testified earlier today

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1 that there were two line ups, is it the first  
 2 or the second?  
 3 A. First and second -- it was -- like  
 4 I said, after that he was the one that I was  
 5 talking to after. You know, first and second  
 6 and pretty much it.  
 7 Q. Now, what do you remember about him  
 8 as you remember back to the first lineup that  
 9 you saw, what do you remember happening, just  
 10 tell us as best you can recall?  
 11 A. About him?  
 12 Q. About any interactions that you had  
 13 with him in connection with that first lineup?  
 14 A. Nothing out of the ordinary. You  
 15 know, just -- you know, you did a great jo --  
 16 you know how -- they were ensuring me that  
 17 nothing was going to happen to me, and that was  
 18 pretty much that I remember and that was it  
 19 pretty much. Nothing -- he didn't -- he didn't  
 20 say nothing out of the ordinary, just --  
 21 Q. You -- I believe you started to say  
 22 that he told you you did a great, and then you  
 23 stopped.  
 24 Can you recall him saying something  
 25 about -- along those lines?

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1 A. He was just, you know --  
 2 MR. GIVEN: Objection. Form.  
 3 A. He was just saying, you know, in  
 4 the sense of, you know, you did your job. You  
 5 know, I'm just telling you what -- like to  
 6 ensure me everything was going to be okay with  
 7 me. That was it pretty much.  
 8 I can't tell you if he said -- I  
 9 don't want to put words saying great or not,  
 10 but in the lines of, you know -- what's the  
 11 word I'm looking for here, I apologize, just  
 12 assuring me everything was going to be fine,  
 13 and you know, you did a -- in other words you  
 14 did a good job. I'm not saying he said that,  
 15 but I'm just saying in that line of  
 16 conversation.  
 17 Q. So without recalling the words that  
 18 he used he conveyed to you in substance that  
 19 you had done a good job?  
 20 A. Yes.  
 21 Q. And who is the officer who drove  
 22 you to the first lineup?  
 23 A. I cannot remember who drove. I'm  
 24 just saying that I remember him. To say it was  
 25 him, you know what I mean? I just remember

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1 being there. Like I said, after the lineups  
 2 and all that stuff, I knew he was there and he  
 3 was always ensuring me everything was going to  
 4 be fine. You know, nothing was going to happen  
 5 to me because I was afraid of the area at the  
 6 time and stuff like that, so --  
 7 Q. Did someone come to your home and  
 8 ask you to look at the first of the two lineups  
 9 that you saw, do you recall that at all?  
 10 A. I don't recall that.  
 11 Q. What do you remember about that  
 12 first lineup? Do you remember where it took  
 13 place?  
 14 A. I just remember being inside of  
 15 this -- the location I can't tell you that. I  
 16 don't remember that. I just remember being  
 17 inside the building. They put the gentleman  
 18 inside the line and I was inside and I pointed  
 19 out the -- I pointed out Jacques Rivera the  
 20 first time.  
 21 Q. When you say the building, what  
 22 building do you mean?  
 23 A. The station, police station.  
 24 Q. Was a police officer with you while  
 25 you were looking at the lineup?

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1 A. There was family member -- I think  
2 it was just -- yeah, there was a detective in  
3 there.  
4 Q. And was the detective who was in  
5 there as you were looking at the lineup, was  
6 that the detective that you mentioned before?  
7 A. I just remember a detective being  
8 in there and if -- my brother-in-law's father  
9 was also in there also with me.  
10 Q. Felix's father?  
11 A. Correct. And that's all I  
12 remember.  
13 Q. All right. Is it your testimony  
14 that you don't remember which detective it was  
15 who was in there?  
16 A. Yeah, I just don't remember the  
17 detective that was in there. I just remember  
18 there was detectives in there, and I just  
19 remember Israel's father. That I do remember.  
20 Q. You said Angel's father?  
21 A. Israel.  
22 MS. ROSEN: Israel.  
23 Q. I'm sorry, I misheard you.  
24 Can you tell me anything about the  
25 setup where you looked at the lineup? Were you

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1 in the same room with the guys in the line or a  
2 different room?  
3 A. Different room.  
4 Q. Tell me what was between you and  
5 the guys.  
6 A. Glass.  
7 Q. Was it like a two-way mirror?  
8 A. Yes.  
9 Q. Now, you say you picked out Jacques  
10 Rivera, how do you know you picked out Jacques  
11 Rivera?  
12 A. Because I pointed him out.  
13 Q. How do you know that it was Jacques  
14 Rivera who you picked out?  
15 A. Like I said, the picture, then I  
16 saw him and then that was him.  
17 Q. After you picked out Jacques  
18 Rivera, the person you believed was Jacques  
19 Rivera, did --  
20 MR. GIVEN: Objection. Form.  
21 Mischaracterizes his testimony.  
22 MS. ADAMS: Uh-oh, just throw it.  
23 MR. GIVEN: I would love to.  
24 Q. After you picked out the person you  
25 believed was Jacques Rivera, did you --

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1 MR. GIVEN: Same objection.  
2 MR. BOWMAN: I didn't finish the  
3 question.  
4 MR. GIVEN: Okay.  
5 Q. After you picked out the person you  
6 believed was Jacques Rivera, did the police say  
7 anything to you?  
8 MR. GIVEN: Objection. Form.  
9 A. First and foremost it was not I  
10 believe. I knew it was him. And I just  
11 remember picking him out, telling him that was  
12 him. They asked me for sure. I said yes, that  
13 was him. And that night was over with for me.  
14 I was driven back home and that was it.  
15 Q. Who was the person who asked you if  
16 you were sure?  
17 A. The whoever was in the room as far  
18 as the detective. I just don't remember which  
19 detective it was.  
20 Q. Do you know how long you spent at  
21 the police station the night of the first  
22 lineup?  
23 A. No, I do not remember.  
24 Q. Is there anything else that you  
25 remember about that first lineup that you

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1 haven't told us?  
2 A. I just remember that. That was it.  
3 Q. On that night that you went the  
4 first time to look at the lineup, did the  
5 police conduct an interview of you? Did they  
6 ask you questions again about what you had  
7 seen?  
8 MR. GIVEN: I'll object. Form.  
9 A. I don't recall that -- I don't  
10 recall that conversation. I just remember  
11 picking out the -- Jacques Rivera and going  
12 about my business, going home. I don't  
13 remember no conversations after that. None of  
14 that stuff I don't recall.  
15 Q. How about before, were you asked  
16 any questions?  
17 A. No, I don't remember about any --  
18 Q. Now, after you picked out the  
19 person you've testified was Jacques Rivera --  
20 MR. GIVEN: Object. I'm sorry,  
21 I'll let you finish your sentence.  
22 Q. After you picked out the person who  
23 you testified was Jacques Rivera, did anything  
24 happen to cause you to doubt your  
25 identification?

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| <p>1 A. No.</p> <p>2 MR. GIVEN: Objection. Form on a</p> <p>3 few different levels, but objection, form. You</p> <p>4 can answer, go ahead.</p> <p>5 A. No.</p> <p>6 Q. Was there an occasion in the</p> <p>7 vicinity of First and School?</p> <p>8 A. Okay. I know where you're going</p> <p>9 with this question, and I'm going to answer you</p> <p>10 the way I answered everybody else.</p> <p>11 The first one I pointed out Jacques</p> <p>12 Rivera. After that happen, after it was all</p> <p>13 said and done, now I'm walking down Armitage</p> <p>14 going to my father's house --</p> <p>15 Q. Okay. Time out.</p> <p>16 A. Okay, because I know the question</p> <p>17 you're asking me, I don't know if you're trying</p> <p>18 to put words in my mouth. I feel that's the</p> <p>19 way you're going about it, and I want to stick</p> <p>20 to what I said and this is -- you know, I</p> <p>21 apologize to everyone. I'm getting upset about</p> <p>22 it. I just want to stick to what I just said</p> <p>23 and what I remember exactly.</p> <p>24 Like I said, the first time this is</p> <p>25 what I said. I said it was him. There was</p> <p style="text-align: right;">85</p>                                                                                            | <p>1 and School after -- a few days after that first</p> <p>2 lineup --</p> <p>3 MR. GIVEN: Objection. Form.</p> <p>4 Q. -- about this case?</p> <p>5 MR. GIVEN: Objection. Form. You</p> <p>6 can answer.</p> <p>7 MR. BOWMAN: What's wrong with the</p> <p>8 form?</p> <p>9 MR. GIVEN: Objection. Form. I</p> <p>10 didn't like some of the words that you used.</p> <p>11 If you want me to make speaking objections,</p> <p>12 I'll be happy to, I was --</p> <p>13 MR. BOWMAN: If you have an</p> <p>14 objection as to form, I was going to try to</p> <p>15 cure it because I didn't think there was.</p> <p>16 MR. GIVEN: I thought asking was</p> <p>17 there anything unusual that happened in the</p> <p>18 next few days was an objectionable -- a form</p> <p>19 objection.</p> <p>20 MR. BOWMAN: Okay. Well, let me</p> <p>21 try a different question. I don't want to make</p> <p>22 this anything more than it has to be.</p> <p>23 BY MR. BOWMAN:</p> <p>24 Q. Do you remember seeing somebody</p> <p>25 that you connected with the shooting after that</p> <p style="text-align: right;">87</p>                                                                                                        |
| <p>1 nothing after that. That was it. I went</p> <p>2 straight home, and end of story on that one.</p> <p>3 Q. I've got that. And I'm not trying</p> <p>4 to suggest that you're saying anything</p> <p>5 different or to make you say anything</p> <p>6 different. I've got what you're saying.</p> <p>7 I'm asking you after that was all</p> <p>8 said and done, did something happen to cause</p> <p>9 you to change your feelings about the case?</p> <p>10 That's all I'm asking.</p> <p>11 A. Well, you --</p> <p>12 Q. And the other way I can ask it is</p> <p>13 was there a time where you were going by First</p> <p>14 and School on your way to your father's house</p> <p>15 when you saw something? That's all I'm trying</p> <p>16 to get. I'm just trying to get you to --</p> <p>17 MR. GIVEN: Hold on. I object to</p> <p>18 the form of the question. That wasn't even a</p> <p>19 question, Locke. You're having a conversation</p> <p>20 with him and telling him I could ask you this</p> <p>21 way. I can ask you that way. That is improper</p> <p>22 questioning for this deposition. If you have a</p> <p>23 question, ask it.</p> <p>24 Q. Okay. Let me ask this question</p> <p>25 then. Did anything unusual happen near First</p> <p style="text-align: right;">86</p> | <p>1 first lineup?</p> <p>2 A. After the lineup?</p> <p>3 Q. Yes, sir.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Can you tell me about that,</p> <p>6 please?</p> <p>7 A. Well, after the lineup, you know, a</p> <p>8 couple things happened. I ended up walking</p> <p>9 down on my way to go down Armitage, First and</p> <p>10 School, Armitage and Central Park, I saw the</p> <p>11 gentleman that actually shot my</p> <p>12 brother-in-law's brother, Felix, and saw him</p> <p>13 shake up with another member of this gang,</p> <p>14 which was the Imperial Gangsters and right</p> <p>15 there and then I knew I made a mistake and I</p> <p>16 ran for my life, because I was scared at the</p> <p>17 time and I just ran. I just remember running,</p> <p>18 you know, because I was just scared.</p> <p>19 Q. Can you tell me just in terms of</p> <p>20 where on the street, the best estimate you have</p> <p>21 of the address where you saw this guy?</p> <p>22 A. It was right there by a hotdog</p> <p>23 stand on Central Park and Armitage across the</p> <p>24 street from Funston School. I was across the</p> <p>25 street. He was on the other side. Where is</p> <p style="text-align: right;">88</p> |

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| <p>1 that at? So I can give you a better<br/>2 description here, he was on the north side of<br/>3 Armitage and I was on the South Side of<br/>4 Armitage over the -- you know, on the other<br/>5 side of it, and I saw him there shaking hands<br/>6 with his other gang member.<br/>7 Q. Were you directly across the street<br/>8 from him?<br/>9 A. Correct.<br/>10 Q. How far would you estimate you were<br/>11 across Armitage at that time?<br/>12 A. Like from here to -- you open up<br/>13 the door where the lady is sitting, that's how<br/>14 -- you know, the streets are not that wide, so<br/>15 I'm over here (indicating), like right about<br/>16 over in that corner.<br/>17 Q. So indicating maybe 30 feet,<br/>18 something like that?<br/>19 A. I guess.<br/>20 Q. And what was it about this guy that<br/>21 caused you to immediately recognize that he was<br/>22 the shooter?<br/>23 A. Son of a -- excuse my language.<br/>24 Not you. He was wearing the same black jacket,<br/>25 same tail, same hair style. Man, that's when I</p> <p style="text-align: right;">89</p> | <p>1 Imperial Gangsters.<br/>2 Q. So did you immediately recognize<br/>3 that as Imperial Gangsters handshake?<br/>4 A. Yes.<br/>5 Q. And what, does one individual press<br/>6 his index finger against the other individual's<br/>7 index finger together with the thumb and the<br/>8 third finger?<br/>9 A. You're throwing up a diamond, but<br/>10 no.<br/>11 Q. I don't --<br/>12 A. If you want a history of gang signs<br/>13 I can do that. You know, if you want me to put<br/>14 handshakes up, I mean they're gangsters. I<br/>15 know the difference between that. I mean, I<br/>16 was a gang member myself.<br/>17 Q. Okay. I don't. All right?<br/>18 A. I understand that, but I just feel<br/>19 like I'm being antagonized with this question.<br/>20 I apologize.<br/>21 Q. I --<br/>22 A. The Imperial Gangsters, there's no<br/>23 point picking black and yellow. I know the<br/>24 difference from the gang. Simple as that. It<br/>25 was a gangster.</p> <p style="text-align: right;">91</p> |
| <p>1 knew that was the individual.<br/>2 Q. Was that individual that you saw at<br/>3 that location Jacques Rivera?<br/>4 A. Oh, no, that was not Jacques<br/>5 Rivera, no.<br/>6 Q. Other than the hair style, the<br/>7 clothes, and in particular the fact that he was<br/>8 wearing the same jacket, was there anything<br/>9 else about him that caused you to immediately<br/>10 recognize he was the shooter?<br/>11 A. Just the face. I just recognized<br/>12 his face vividly.<br/>13 Q. Did you see him do anything?<br/>14 MR. GIVEN: Objection. Form.<br/>15 A. Just handshake with his other gang<br/>16 member. That was it.<br/>17 Q. Can you describe the handshake?<br/>18 A. Do I really got to throw gang<br/>19 signs, man?<br/>20 Q. I'm afraid I have to ask you to,<br/>21 yes, sir.<br/>22 MS. ADAMS: I don't know who you're<br/>23 going to do it with because I'm not doing it<br/>24 with you.<br/>25 A. Well, like this (indicating)</p> <p style="text-align: right;">90</p>                                                                                               | <p>1 Q. And, Mr. Lopez, I know that you<br/>2 know it. I know that I don't know it, and I'm<br/>3 guessing the folks on the jury are not going to<br/>4 know it either, and that's why I'm asking you<br/>5 so I'm asking you to explain to the folks who<br/>6 are going to hear this case. That's the only<br/>7 reason I'm asking you. I don't want --<br/>8 A. I just look like a fool here --<br/>9 MS. ADAMS: No, you don't.<br/>10 A. -- doing what I'm doing here<br/>11 throwing gang up signs. I hate gangs. They<br/>12 destroyed my life. They destroyed a lot of my<br/>13 family members' life. And for you to just come<br/>14 and tell me to throw up gang signs, man, you<br/>15 just don't know.<br/>16 MS. ADAMS: So we're going to take<br/>17 a break.<br/>18 MR. GIVEN: That's a good idea.<br/>19 A. I hate gangs.<br/>20 MS. ADAMS: Come on.<br/>21<br/>22 THE VIDEOGRAPHER: Off the record<br/>23 12:53.<br/>24 (Recess taken 12:53 p.m.)<br/>25 -----</p> <p style="text-align: right;">92</p> |



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| <p>1 THE VIDEOGRAPHER: Back on the<br/>2 record. The time is 1:00.<br/>3 (Deposition resumed 1:00 p.m.)<br/>4 Q. At the point that you saw this<br/>5 fellow on the other side of Armitage throwing<br/>6 up the gang sign wearing the same black coat,<br/>7 did you realize at that point that the guy you<br/>8 had picked out from the gang books at your home<br/>9 a few nights before had not actually been the<br/>10 shooter?<br/>11 A. Correct.<br/>12 Q. Now, after this seeing this guy on<br/>13 Armitage, when is the next thing that happened<br/>14 with the police in this case that you remember?<br/>15 A. Well, what I remember is going to<br/>16 the second lineup, I'm assuming is the second<br/>17 lineup. It is the second lineup and talking --<br/>18 you know, not talking, but just going there<br/>19 knowing that it was the wrong guy. And then I<br/>20 started telling some, either a lady or a man,<br/>21 it's the wrong guy. It's the wrong guy. And<br/>22 they said, well, don't be afraid. Everything<br/>23 is going to be all right. And I just -- okay,<br/>24 you know, kept on saying it was the wrong guy<br/>25 and nobody really -- they didn't force me to</p> <p style="text-align: right;">93</p> | <p>1 Q. I'd like to get your best<br/>2 recollections of who was there when you told<br/>3 whoever you told that it was the wrong guy.<br/>4 A. It was a gentleman and a lady.<br/>5 Q. Can you describe the gentleman,<br/>6 please?<br/>7 A. The gentleman I think was the<br/>8 detective. I think it was the detective, and<br/>9 then there was -- the lady that came up to me<br/>10 -- it was also a lady. She was not dressed up<br/>11 in -- to me she didn't look like no detective.<br/>12 Came up to me. She had like a binder full of<br/>13 papers like how you guys carry your work, and<br/>14 assured me that everything was fine. She was a<br/>15 white Caucasian lady -- Am I right,<br/>16 Caucasian -- with either white or yellow hair.<br/>17 I just don't recall. I think it was white, but<br/>18 it could have been yellow. I mean, blond, but<br/>19 to me I think it was white at the time, and<br/>20 that's who I talked -- that's who I said and<br/>21 they were just assuring me that everything was<br/>22 going to be all right.<br/>23 Q. Now, in terms of the gentleman who<br/>24 was there, I understood you to say that it was<br/>25 the same detective with the fro who you</p> <p style="text-align: right;">95</p> |
| <p>1 say okay, no, you're going to stick to your<br/>2 story. That was never the case.<br/>3 The case was that, you know, they<br/>4 thought I was just afraid for my life, and they<br/>5 were just assuring me that everything was going<br/>6 to be okay. So at that moment me, myself and I<br/>7 stuck with the story of it being Jacques Rivera<br/>8 and pointed him out again and that was the end<br/>9 of the story of that.<br/>10 Q. Now, did someone come to your home<br/>11 and ask you to look at a second lineup? Do you<br/>12 remember that?<br/>13 A. That I don't remember.<br/>14 Q. Do you remember how you got to the<br/>15 police station for the second lineup?<br/>16 A. That one I don't -- I just -- like<br/>17 I said, I just remember being there, telling<br/>18 them it was the wrong guy, and I don't remember<br/>19 how I got there. I just remember being there.<br/>20 Q. I'd like to get your best<br/>21 recollections of who was present when you told<br/>22 the police that it was the wrong guy.<br/>23 A. Well --<br/>24 MR. GIVEN: Objection. Form.<br/>25 MR. BOWMAN: I'll rephrase.</p> <p style="text-align: right;">94</p>                                                                        | <p>1 testified about before; is that accurate?<br/>2 MR. GIVEN: Objection<br/>3 mischaracterizes.<br/>4 A. I just don't know. Like I said, I<br/>5 think it was him, him and then a lady and they<br/>6 were both assuring me everything was going to<br/>7 be fine.<br/>8 Q. Could you please give me your best<br/>9 recollection, and I know it's a long time ago,<br/>10 that you were young at the time and so forth,<br/>11 your best recollection of what you said in the<br/>12 presence of the gentleman and the lady?<br/>13 A. That's not the person. The wrong<br/>14 guy, wrong guy, wrong guy. And that was pretty<br/>15 much it.<br/>16 Q. Did you tell them how you had come<br/>17 to realize that it was the wrong guy?<br/>18 A. I didn't tell them. I just said it<br/>19 was the wrong guy, wrong guy. And now this is<br/>20 assumptions. This is not -- I know we're here<br/>21 about facts. I'm just saying -- I just said it<br/>22 was the wrong guy, wrong guy. I never told<br/>23 them it was an Imperial Gangster. I never told<br/>24 them none of that stuff.<br/>25 Q. When you said it's the wrong guy,</p> <p style="text-align: right;">96</p>                                                                            |

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| <p>1 it's the wrong guy, what did they say to you?</p> <p>2 A. They were assuring me don't be --</p> <p>3 you know, they didn't force me either way.</p> <p>4 They were just assuring me don't be afraid.</p> <p>5 You know, everything is going to be just fine.</p> <p>6 They assumed that I was afraid and I wanted to</p> <p>7 change my story, because I was afraid, but that</p> <p>8 was not the case.</p> <p>9 You know, they're not telling me,</p> <p>10 you know -- they're not telling me that no, you</p> <p>11 have to stick to your story. They never told</p> <p>12 me that. They just seen what I told them, and</p> <p>13 they were just assuring me you're going to be</p> <p>14 fine, nothing is going to happen to you, and</p> <p>15 that's it.</p> <p>16 Q. Do you remember anything else about</p> <p>17 the conversation other than what you said?</p> <p>18 A. That was it.</p> <p>19 Q. What happened after this</p> <p>20 conversation?</p> <p>21 A. I went like every little kid does</p> <p>22 want to go back to playing base -- you know,</p> <p>23 doing what he does. I didn't know the</p> <p>24 magnitude of the -- you know, I didn't know how</p> <p>25 serious the case was, you know, the seriousness</p> <p style="text-align: right;">97</p> | <p>1 pointed out -- I just remember pointing out</p> <p>2 Jacques Rivera after the conversation. That's</p> <p>3 what I remember vividly in my head where I just</p> <p>4 went back and just -- whether it was before or</p> <p>5 after, I just pointed out after I said what I</p> <p>6 had to say and pointed out Jacques Rivera</p> <p>7 again.</p> <p>8 Q. Did you point him out in a lineup?</p> <p>9 A. Correct.</p> <p>10 Q. And was it in the same lineup room</p> <p>11 where you had --</p> <p>12 A. Been before?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. Can you tell me who was with you</p> <p>16 from the police when you looked at the lineup?</p> <p>17 A. That I do not recall -- remember</p> <p>18 who was with me inside there at this time.</p> <p>19 Q. Was the detective with the fro</p> <p>20 present with you when you looked at the lineup?</p> <p>21 A. I'm not understanding -- like I</p> <p>22 said, I just remember facing at the mirror -- I</p> <p>23 mean at the window and pointed out. There was</p> <p>24 detective in there, but I don't know who was in</p> <p>25 there.</p> <p style="text-align: right;">99</p> |
| <p>1 of this -- you know, of a murder. I was a kid.</p> <p>2 I just wanted to go back to my playing ways as</p> <p>3 a kid. I didn't think nothing afterwards. You</p> <p>4 know, I just went about my business.</p> <p>5 Q. Can you tell me where this</p> <p>6 conversation took place in which you said wrong</p> <p>7 guy, wrong guy?</p> <p>8 A. At a station.</p> <p>9 Q. Was it the same station as the</p> <p>10 first lineup where you had been before?</p> <p>11 A. Yes. I assume it was the same one</p> <p>12 because after that I pointed out -- I again</p> <p>13 went to the lineup and pointed out Jacques</p> <p>14 Rivera.</p> <p>15 Q. Do you remember where in the</p> <p>16 station it was?</p> <p>17 A. That I can't tell you.</p> <p>18 Q. Other than the gentleman and the</p> <p>19 lady, was anyone present who heard this</p> <p>20 conversation other than those two?</p> <p>21 A. Just us three.</p> <p>22 Q. After this conversation, did you</p> <p>23 look at a lineup?</p> <p>24 A. That's when I went back and went</p> <p>25 into the lineup, and I guess that's when they</p> <p style="text-align: right;">98</p>                                                                                                                                 | <p>1 Q. Do you remember anything that any</p> <p>2 detectives said to you while you were looking</p> <p>3 at the lineup?</p> <p>4 A. No.</p> <p>5 Q. And how do you know that it was</p> <p>6 Jacques Rivera that you picked out on the</p> <p>7 second lineup?</p> <p>8 A. Because I pointed him out.</p> <p>9 Q. And what -- how did you know to</p> <p>10 point him out in particular?</p> <p>11 MS. ROSEN: Objection. Form.</p> <p>12 A. Here we go again. You go in the</p> <p>13 room. They put me in the room. Saw the</p> <p>14 gentleman. And I picked him out. Simple as</p> <p>15 that.</p> <p>16 Q. I'm going to try one more time.</p> <p>17 Forgive me for pressing it, but it's the last</p> <p>18 question and then I'll stop.</p> <p>19 Can you tell me what it was about</p> <p>20 Jacques Rivera that caused you to know that he</p> <p>21 was the person that you would be picking out?</p> <p>22 MS. ROSEN: Objection. Form.</p> <p>23 MR. GIVEN: Objection.</p> <p>24 A. Because I already picked him out</p> <p>25 before. So as a kid, recanting my -- this is</p> <p style="text-align: right;">100</p>                                   |



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| <p>1 me talking now that I'm an adult, recanting my<br/>2 story at the time, you know, as a kid I'm<br/>3 afraid, and then, you know, I'm just picking<br/>4 out somebody else because now I told -- now<br/>5 thinking back in my emotions, a kid, you know,<br/>6 nobody wants to listen to me at a point because<br/>7 I got the wrong guy, and then everybody is<br/>8 assuring me everything is going to be fine. As<br/>9 a kid you're thinking, okay, nobody wants to<br/>10 listen to me. He did it. Problem solved, and<br/>11 I'll going about my merry old way. Big mistake<br/>12 of the rest of my life.</p> <p>13 Q. So in summary, you just picked out<br/>14 the guy you picked out before?</p> <p>15 A. Correct.</p> <p>16 Q. Now, did there come a point when<br/>17 you had to go to court and testify?</p> <p>18 A. Yes, there was.</p> <p>19 Q. And we all know that in court you<br/>20 identified Jacques Rivera as the person who<br/>21 shot Felix; yes?</p> <p>22 A. Correct.</p> <p>23 Q. And was that a lie?</p> <p>24 A. Yes, it was.</p> <p>25 Q. A knowing lie?</p> <p style="text-align: right;">101</p> | <p>1 Q. Outside of the courtroom?</p> <p>2 A. No, I don't remember that.</p> <p>3 Q. No recollection of that?</p> <p>4 A. I don't remember that.</p> <p>5 Q. Who did you first tell about the<br/>6 fact that you lied in court?</p> <p>7 A. Who did I tell?</p> <p>8 Q. Who did you first tell?</p> <p>9 A. Oh, are you talking about two women<br/>10 in that -- okay. God. You're talking about<br/>11 two women who came here to Ohio and had found<br/>12 me and had a conversation with me to find out<br/>13 -- you know, if Jennifer and what's her name --</p> <p>14 Q. If I were to suggest the name<br/>15 Cynthia to you --</p> <p>16 A. Okay, I'm like -- I'm just like --<br/>17 the way you're questioning is I -- you're left<br/>18 field. I apologize the way I'm bluntly coming<br/>19 at you with this, but be frank. I'm being<br/>20 frank here.</p> <p>21 Two ladies, yes, I remember, I<br/>22 recall them. They came to my house. I wasn't<br/>23 there. I was shopping at the moment. They<br/>24 left a card with my children, with my oldest<br/>25 son, and then they came back when I came back</p> <p style="text-align: right;">103</p>                                                                                              |
| <p>1 A. Knowing lie.</p> <p>2 Q. And can you tell us as best you can<br/>3 why you told that lie in court?</p> <p>4 A. I was sticking to my story.</p> <p>5 Q. Do you recall approximately when it<br/>6 was that you received a visit from two women<br/>7 who were investigating this case?</p> <p>8 A. That I don't remember.</p> <p>9 Q. Roughly when?</p> <p>10 A. I do not remember the women at all.<br/>11 As far as two women coming to visiting me, I<br/>12 don't remember that.</p> <p>13 Q. Do you remember a woman named<br/>14 Cynthia and a woman named Jennifer coming to<br/>15 see you?</p> <p>16 A. No, I do not remember that.</p> <p>17 Q. No recollection.</p> <p>18 A. No. I just don't remember the<br/>19 names. You have given me names that I don't<br/>20 recall.</p> <p>21 Q. Apart from the names, do you<br/>22 remember two women coming to see you and ask<br/>23 some questions about the case?</p> <p>24 A. In the courtroom or outside of the<br/>25 courtroom?</p> <p style="text-align: right;">102</p>                                                                                           | <p>1 from grocery shopping with my wife. And at the<br/>2 moment they asked -- me they represented their<br/>3 firm and who the individual and if I knew<br/>4 anything about the case, and I said yes.</p> <p>5 Brought them inside my house. I<br/>6 said I don't want to say too much because I<br/>7 would rather be present with a lawyer, but we<br/>8 went to Starbucks, and then we started talking.<br/>9 And then I told them, yeah, I was doing, you<br/>10 know, I did it. I was the one. My testimony<br/>11 was wrong, and I'm glad -- you know, I always<br/>12 said that.</p> <p>13 I always prayed to God that<br/>14 somebody would find me even though I got --<br/>15 what do you call that -- scorned for it at<br/>16 court, about it, like why you waiting for them<br/>17 to come when you should have done it yourself.<br/>18 That's nay or they now -- here or there I mean.<br/>19 And we spoke about what happened. And they<br/>20 went in there -- Jacques Rivera was the wrong<br/>21 guy.</p> <p>22 Q. Did Cynthia and Jennifer do<br/>23 anything to pressure you or force you to --</p> <p>24 A. There was no pressure. They were<br/>25 the sweetest people, of course, you know, they</p> <p style="text-align: right;">104</p> |

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| <p>1 don't want to hear that part, but, you know,<br/>2 they were the sweetest people. They never gave<br/>3 me no money. They didn't tell me you got to<br/>4 say this, say that, none of that stuff. They<br/>5 just asked questions and I just answered them<br/>6 like I'm answering to you.</p> <p>7 Q. I need to ask you a couple more<br/>8 questions and then I'll be done.</p> <p>9 Did you ever tell the police that<br/>10 at the time Felix was shot, that you were<br/>11 already down at the corner store at Cortland<br/>12 and Kimball coming out of the store and that<br/>13 that was when you saw the shooting? Did you<br/>14 ever tell the police that?</p> <p>15 A. No, I do not remember saying that.<br/>16 I remember saying I ran to the store after I<br/>17 saw the -- came down, saw the shooter with his<br/>18 back turned on me, hid in the corner, from the<br/>19 corner I ran to the corner, told the store, I<br/>20 was never at the store before -- prior to the<br/>21 shooting. The shooting happened when I came<br/>22 down from my house, down, you know, from the<br/>23 first floor at the moment.</p> <p>24 Q. Did you ever tell the police that<br/>25 you had seen the blue or beige car that the</p> <p style="text-align: right;">105</p> | <p>1 remember turning as I went -- oh my God. I<br/>2 just remember the car going and turning right<br/>3 there and coming out and shooting at my brother<br/>4 -- my brother-in-law's brother. And me just<br/>5 hiding in that corner, and then me running and<br/>6 then his back turned on me and I ran towards<br/>7 the store and from the store ran back to that<br/>8 corner, and then him just turning back just<br/>9 looking around and ran back to the car and he<br/>10 just left. That I remember.</p> <p>11 Q. All right. Let me ask you again.<br/>12 As you came out of your house the first time,<br/>13 the afternoon Felix was shot, did you see the<br/>14 person shooting Felix at that --</p> <p>15 A. Prior to the shooting when he came<br/>16 out the car or -- just ask the question again,<br/>17 please.</p> <p>18 Q. Yes, sir. As you first came out of<br/>19 your house, what did you see, the first thing<br/>20 you saw what you came out of the house?</p> <p>21 A. Him -- like I said, when I saw him<br/>22 right there he came here (indicating), ran to<br/>23 the car, and he was back shooting. That's what<br/>24 I remember.</p> <p>25 Q. All right. So the first thing that</p> <p style="text-align: right;">107</p> |
| <p>1 shooter was in drive north down the alley by<br/>2 your house, then turn to the east on Spaulding<br/>3 and stop, at which point the shooter got out<br/>4 and came over toward Felix's car? Did you ever<br/>5 tell the police that you had seen that?</p> <p>6 A. That's all coming back to me.<br/>7 Yeah, I did say that.</p> <p>8 Q. Who did you say that to?</p> <p>9 A. To a cop. As far as exactly who,<br/>10 that I cannot tell you.</p> <p>11 Q. Is that accurate?</p> <p>12 A. That statement was accurate for the<br/>13 fact that it all is coming. The more we talk<br/>14 about it, the more everything is coming more<br/>15 and more and more and more, the details of the<br/>16 shooting itself and how it occurred. But,<br/>17 yeah, that was accurate.</p> <p>18 Q. So tell me what it is that you<br/>19 recall now?</p> <p>20 A. I just re- -- not.</p> <p>21 MR. GIVEN: Objection. Form.</p> <p>22 A. I wasn't talking to the gentleman<br/>23 about it. I'm just -- I didn't say nothing --<br/>24 I'm just saying me now what I remember, but I<br/>25 know everything is already stated here. I just</p> <p style="text-align: right;">106</p>                                                                                                            | <p>1 you saw was the shooter running toward Felix?</p> <p>2 A. The vision that I remember was him<br/>3 just ready -- just shooting, hearing the gun,<br/>4 those BB guns shooting at him and me hiding.<br/>5 Like I said, it's just -- oh God, I hate this.<br/>6 Him just right there shooting at Felix. That's<br/>7 just stuck in my head.</p> <p>8 Q. Do you have any memory of seeing<br/>9 anything other than this individual standing<br/>10 there and shooting Felix?</p> <p>11 A. That was the only time I ever saw<br/>12 him there at, you know --</p> <p>13 Q. Where he was standing?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you ever see -- well, actually<br/>16 strike that.</p> <p>17 Did you ever tell the police that<br/>18 you saw the shooter's car drive north in the<br/>19 alley by your house?</p> <p>20 MR. GIVEN: Objection. Asked and<br/>21 answered.</p> <p>22 A. Like I said, I just -- oh, man.<br/>23 What's in my head is the picture of my<br/>24 brother-in-law -- brother-in-law's brother<br/>25 getting shot vividly and the person that shot</p> <p style="text-align: right;">108</p>                                                                                                                                    |

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| <p>1 him. That's what I remember the most of this<br/>2 whole story, of this nightmare story pretty<br/>3 much. I just remember him shooting at him,<br/>4 shooting at him, and me running, and then<br/>5 coming back and him shooting him and looking at<br/>6 me, not looking at me directly but looking<br/>7 towards -- to see if there was anybody around.<br/>8 Q. Did you ever -- I'm going to ask<br/>9 the question again one more time. Maybe it's<br/>10 simply not a question you can answer, and if<br/>11 it's not, I'll move on.<br/>12 Did you ever tell the police that<br/>13 you saw the car that the shooter was in drive<br/>14 north in the alley by your house and turn onto<br/>15 Spaulding? If you can, just did you tell the<br/>16 police that?<br/>17 MR. GIVEN: Objection. Asked and<br/>18 answered.<br/>19 A. There is a lot of things that were<br/>20 said. And for me to tell you every detail<br/>21 exactly what I said is impossible.<br/>22 I know you're trying to help out<br/>23 Jacques Rivera for what, you know, what you got<br/>24 -- you have to do your job, but at the same<br/>25 time, I can't give you every detail that you</p> <p style="text-align: right;">109</p> | <p>1 the guy who shot Felix was somebody you had<br/>2 seen playing baseball at Humboldt Park?<br/>3 A. I do remember saying that.<br/>4 Q. Can you tell me how that came<br/>5 about?<br/>6 A. He was just questioning me, you<br/>7 know, to see if I saw the suspect at the time,<br/>8 did I know him personally and stuff like that,<br/>9 and I said I don't know him personally, but I<br/>10 seen him playing baseball. I do recall that,<br/>11 and that was it.<br/>12 Q. Why did -- did you bring -- did<br/>13 that come from you or did that come from them?<br/>14 MS. ROSEN: Objection. Form.<br/>15 A. I don't know how it came about. I<br/>16 just remember saying that. That's all I can<br/>17 tell you.<br/>18 Q. Is it that you don't remember?<br/>19 A. I don't remember.<br/>20 Q. I'm going to read from the<br/>21 transcript that's in front of you. We marked<br/>22 it for identification as Exhibit 30. Turn to<br/>23 Page 93.<br/>24 MR. GIVEN: I'm going to object to<br/>25 the form before you ask it. I'm not -- I mean,</p> <p style="text-align: right;">111</p>                                                                                  |
| <p>1 want.<br/>2 The only detail I can tell you, if<br/>3 you show me that face again that killed my<br/>4 brother-in-law's brother, I'll point it out to<br/>5 you in a heartbeat, no problem.<br/>6 And I can tell you right now it<br/>7 wasn't Jacques Rivera. That's what you want to<br/>8 hear -- it's not what you want to hear. It's<br/>9 the facts. It was not Jacques Rivera. So<br/>10 detail, whether he went this way or that way, I<br/>11 just know the -- I know the shooter.<br/>12 Q. Fair enough.<br/>13 MR. BOWMAN: We're going to take --<br/>14 I know it's just a minute ago that we took a<br/>15 break, but we're going to take one more short<br/>16 break, and then I'll probably conclude my<br/>17 questioning.<br/>18 THE VIDEOGRAPHER: Off the record<br/>19 1:21.<br/>20 (Recess taken 1:21 p.m.)<br/>21 -----<br/>22 THE VIDEOGRAPHER: Back on the<br/>23 record 1:27.<br/>24 (Deposition resumed 1:27 p.m.)<br/>25 Q. Did you ever tell the police that</p> <p style="text-align: right;">110</p>                                                                                                                                                                                        | <p>1 well, go ahead and ask your question. I'm<br/>2 thinking there's a form objection here, but go<br/>3 ahead.<br/>4 Q. My question is, and I'm going to<br/>5 read on Page 93 beginning at Line 3 continuing<br/>6 through Line 18, and my question is going to be<br/>7 whether this helps you remember.<br/>8 MS. ADAMS: Well, how about you<br/>9 just let him review it and then you ask him if<br/>10 that refreshes his recollection?<br/>11 MR. BOWMAN: Because I want to do<br/>12 it this way.<br/>13 MS. ADAMS: Okay.<br/>14 MS. ROSEN: Objection. Form.<br/>15 Q. Question: Now, you testified at<br/>16 trial that you had seen the shooter play<br/>17 baseball at Humboldt Park; correct? And your<br/>18 answer is correct. Question: And you<br/>19 testified here today that that testimony was a<br/>20 lie; correct? Your answer is correct. Then<br/>21 comes the question, why did you testify at the<br/>22 time of trial that you had seen the shooter<br/>23 play baseball at Humboldt Park? You gave this<br/>24 answer, because, you know, what happened was<br/>25 the cops were like, when they pointed him out</p> <p style="text-align: right;">112</p> |

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| <p>1 they were asking me have you seen him playing<br/>2 baseball or have you seen him anywhere else and<br/>3 I said yes. That was the reason why I said<br/>4 that I seen him playing baseball at a park.<br/>5 And then later on it's pointed out that --<br/>6 MR. GIVEN: Why don't you just read<br/>7 the rest of it?<br/>8 MR. BOWMAN: Sure.<br/>9 Q. Then continuing on at Line 19 the<br/>10 Court says just a minute, did you say when they<br/>11 pointed him out? The Witness: That's you,<br/>12 says who me? The court says yes, and then you<br/>13 respond no, they didn't point it out to me when<br/>14 I pointed him out. They were asking have you<br/>15 seen him anywhere else at a park playing, you<br/>16 know, baseball, stuff like that, and I said<br/>17 yes.<br/>18 Does that help you remember how it<br/>19 came up?<br/>20 A. I was -- are you done with your<br/>21 question?<br/>22 Q. Yes.<br/>23 A. I was referring to what I said back<br/>24 then, my first testimony in court. That's what<br/>25 I remember. That's why I responded that way.</p> <p style="text-align: right;">113</p>             | <p>1 except for the business about they pointed him<br/>2 out?<br/>3 MR. GIVEN: Objection. Form.<br/>4 Q. Is the rest of it accurate?<br/>5 MR. GIVEN: Objection. Form.<br/>6 A. Whatever I said here that's what I<br/>7 said. There's no lie about it. I cannot, you<br/>8 know, say, oh, yeah, it's a lie. It is right<br/>9 here in black and white, but there's a lot of<br/>10 question -- you know, you guys are great at<br/>11 your job and you ask questions and you guys are<br/>12 amazing on how you go about asking questions<br/>13 and tripping up people at times instead of<br/>14 getting to the point on what we need to do<br/>15 because, you know, nobody wants to see justice.<br/>16 Everybody wants to see this, that, and the<br/>17 other. That's what I have a problem.<br/>18 You know, I apologize I'm coming<br/>19 off what I'm here for, but that's the reason<br/>20 why I cannot stand the system in the sense of<br/>21 how you guys operate and how things get twisted<br/>22 up and get hung up on words instead of straight<br/>23 facts and how that was the individual that did<br/>24 it, but we're stuck on you said this, you said<br/>25 that. Well, let's get to the point where I</p> <p style="text-align: right;">115</p> |
| <p>1 Where did you say this, and I said yes, except<br/>2 I remember -- remembering what I said at trial,<br/>3 the first trial for Jacques Rivera, and I did<br/>4 say all that stuff, and then I repeated saying<br/>5 that over here. I didn't say, you know, in the<br/>6 sense of they made me point him out. No, that<br/>7 was not the --<br/>8 Q. I understand that.<br/>9 A. -- the concept. I didn't want to<br/>10 make it seem like -- because like I said,<br/>11 there's a lot of people at stake here based on<br/>12 my testimony and recanting my story here, and I<br/>13 don't want it to be taken out of context<br/>14 either.<br/>15 Q. We're all very clear that you're<br/>16 the one that pointed him out and not the<br/>17 police.<br/>18 A. Okay, so --<br/>19 Q. All I'm asking about is how the<br/>20 part about playing baseball at Humboldt Park<br/>21 came up?<br/>22 A. Like I said, as a kid that came<br/>23 out, and I remember saying that to the cops.<br/>24 Q. Is what you said in your testimony<br/>25 that I read from June 23, 2011, is it accurate</p> <p style="text-align: right;">114</p> | <p>1 pointed out the wrong guy. I made a mistake.<br/>2 The individual did this, but -- I said it. It<br/>3 was here. There. I apologize for going left,<br/>4 right here, whatever. I apologize.<br/>5 Q. So what you said is correct; yes?<br/>6 A. Yeah. It's here. It's correct.<br/>7 Q. Let me show you another part of the<br/>8 transcript that I'm going to read out loud.<br/>9 It's on Page 62.<br/>10 MS. ROSEN: I have a form objection<br/>11 to you reading from the transcript as a method<br/>12 of refreshing a recollection. And actually<br/>13 right now it's not even refreshing a<br/>14 recollection because you haven't even asked him<br/>15 a question to which he said I don't recall. So<br/>16 I have a form objection and actually move to<br/>17 strike all the testimony that's going to be<br/>18 handled this way.<br/>19 BY MR. BOWMAN:<br/>20 Q. I'm going to read you the first six<br/>21 lines at the top of Page 62 if you want to<br/>22 follow along. This is about when you told them<br/>23 wrong guy, wrong guy.<br/>24 Question: When you had this<br/>25 conversation with the white-haired lady, was</p> <p style="text-align: right;">116</p>                                                                             |



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| <p>1 anybody else present? Answer: Yes, the<br/> 2 gentleman, the detective with the fro, and the<br/> 3 glasses and the mustache. Then after I walked<br/> 4 away they had a conversation. What<br/> 5 conversation they had I don't know.<br/> 6 Does that refresh your recollection<br/> 7 that it was the detective with the fro who was<br/> 8 present when you told them that it was the<br/> 9 wrong guy?<br/> 10 MR. GIVEN: Objection. Form.<br/> 11 A. If I said it here. That's what I<br/> 12 said.<br/> 13 Q. And is that accurate?<br/> 14 A. Yeah, it's accurate.<br/> 15 Q. So in other words, it's accurate<br/> 16 that the other person present when you said<br/> 17 wrong guy, wrong guy was the detective with the<br/> 18 fro?<br/> 19 MS. ROSEN: Objection. Form.<br/> 20 A. It says it here.<br/> 21 Q. And is that accurate?<br/> 22 A. Correct.<br/> 23 Q. Yes, all right.<br/> 24 Where -- back in the day when this<br/> 25 happened, what was your father's address?</p> <p style="text-align: right;">117</p> | <p>1 far as other people, I don't know. That's,<br/> 2 that's --<br/> 3 Q. How far was it from your mother's<br/> 4 house to where your father lived?<br/> 5 A. Well, I could tell you right now.<br/> 6 Probably three miles, four miles, I don't know<br/> 7 exactly. I couldn't tell you like that.<br/> 8 MR. BOWMAN: Mr. Lopez, I<br/> 9 appreciate your cooperation in this process.<br/> 10 I'm done with my questioning at this point. I<br/> 11 know that the other lawyers will have questions<br/> 12 for you as well and that may prompt some<br/> 13 additional questions from me after they finish,<br/> 14 but for the moment I'm done, and I appreciate<br/> 15 your cooperation with the process.<br/> 16 MS. ROSEN: And we think it's a<br/> 17 good time to take a lunch break.<br/> 18 MR. GIVEN: Yeah.<br/> 19 MS. ROSEN: And then we can collect<br/> 20 our --<br/> 21 THE WITNESS: Do what you guys got<br/> 22 to do.<br/> 23 MS. ROSEN: -- notes, and we can<br/> 24 hopefully streamline the afternoon so that we<br/> 25 can get this done and get you out of here.</p> <p style="text-align: right;">119</p> |
| <p>1 A. 2216 North Avers.<br/> 2 Q. And what was his name?<br/> 3 A. Do I got to give my fathers's name<br/> 4 here, too?<br/> 5 Q. Yes, please.<br/> 6 A. Jesus Lopez.<br/> 7 Q. J-E-S-U-S?<br/> 8 A. Jesus.<br/> 9 Q. And did you sometimes stay<br/> 10 overnight at your father's house --<br/> 11 A. Yes.<br/> 12 Q. -- back in those days?<br/> 13 Anything difficult about finding<br/> 14 your father's house at that time --<br/> 15 MR. GIVEN: Object.<br/> 16 Q. -- if anybody had wanted to find<br/> 17 your father's house, would it have been easy to<br/> 18 find?<br/> 19 MR. GIVEN: Objection --<br/> 20 MS. ROSEN: Objection. Form.<br/> 21 MR. GIVEN: -- form, incomplete<br/> 22 hypothetical, calls for speculation.<br/> 23 MS. ADAMS: If you know, if you<br/> 24 know.<br/> 25 A. I knew where my house was at. As</p> <p style="text-align: right;">118</p>                                                                                                                                                       | <p>1 MS. ADAMS: Okay, so it's 1:35, you<br/> 2 guys want to say 40 minutes for lunch?<br/> 3 MS. ROSEN: Fine.<br/> 4 THE VIDEOGRAPHER: Off the record<br/> 5 1:36.<br/> 6<br/> 7<br/> 8<br/> 9<br/> 10<br/> 11<br/> 12<br/> 13<br/> 14<br/> 15<br/> 16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p> <p style="text-align: right;">120</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <p>1 (Luncheon recess taken 1:36 p.m.)</p> <p>2 - - - - -</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">121</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>1 you have spoken to the lawyers representing</p> <p>2 Mr. Rivera in connection with the</p> <p>3 post-conviction proceeding; correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And when did you first speak</p> <p>6 with lawyers representing Mr. Rivera in</p> <p>7 connection with the post conviction proceeding?</p> <p>8 A. The first time as far as like in</p> <p>9 the room where they were writing stuff like</p> <p>10 down how you guys --</p> <p>11 Q. Sure.</p> <p>12 A. The first time I remember that I</p> <p>13 recall was in Chicago where I met with Jennifer</p> <p>14 over there -- I met Jennifer here in Cleveland,</p> <p>15 and the one that was asking the question here</p> <p>16 in Cleveland was the investigator they hired.</p> <p>17 Q. Right.</p> <p>18 A. And then when I went to Chicago,</p> <p>19 that's when I started getting the questions</p> <p>20 asked over there.</p> <p>21 Q. Okay. So when -- as I understand</p> <p>22 it, Jennifer and Cynthia Estes, the</p> <p>23 investigator; is that who it was?</p> <p>24 A. Correct.</p> <p>25 Q. They first came to your home</p> <p style="text-align: right;">123</p> |
| <p>1 THE VIDEOGRAPHER: Back on the</p> <p>2 record. The time is 2:16.</p> <p>3 (Deposition resumed 2:16 p.m.)</p> <p>4 AFTERNOON SESSION</p> <p>5 CONTINUED EXAMINATION OF ORLANDO LOPEZ</p> <p>6 BY MS. ROSEN:</p> <p>7 Q. Good afternoon, Mr. Lopez. I</p> <p>8 introduced myself to you earlier today. My</p> <p>9 name is Eileen Rosen, and I represent the City</p> <p>10 of Chicago in this lawsuit that has been filed</p> <p>11 by Mr. Rivera. And I have some questions that</p> <p>12 I want to ask you. First I'm going to do sort</p> <p>13 of some follow-up questions to the questions</p> <p>14 Mr. Bowman asked you earlier today, and then I</p> <p>15 have some questions of my own that are</p> <p>16 independent of that, so I'm going to jump</p> <p>17 around a little bit.</p> <p>18 If you're not sure -- I'm going to</p> <p>19 try and direct you to the testimony you gave</p> <p>20 earlier, but if you're confused at all, let me</p> <p>21 know because it's not going to be sort of</p> <p>22 sequential.</p> <p>23 You testified early this morning</p> <p>24 that you hadn't spoken to any of the lawyers</p> <p>25 representing Mr. Rivera in the civil case, but</p> <p style="text-align: right;">122</p> | <p>1 unannounced and knocked on your door; right?</p> <p>2 A. Correct.</p> <p>3 Q. After that did you go to Chicago to</p> <p>4 meet with other attorneys that were involved in</p> <p>5 the case?</p> <p>6 A. It took I think a -- I don't know</p> <p>7 how long. It was awhile back I was able to</p> <p>8 talk to them again.</p> <p>9 Q. Okay. And did you only go to</p> <p>10 Chicago one time?</p> <p>11 A. Yes, to testify at his trial I</p> <p>12 think it was.</p> <p>13 Q. The post conviction proceeding?</p> <p>14 A. Yes, post -- correct.</p> <p>15 Q. Okay, so -- and that was the only</p> <p>16 time that you actually sat in a room and met</p> <p>17 with them?</p> <p>18 A. With the --</p> <p>19 Q. Lawyers.</p> <p>20 A. With that lawyer yes, with her and</p> <p>21 her team.</p> <p>22 Q. And do you remember the lawyer's</p> <p>23 name?</p> <p>24 A. No, she was a -- no, I do not</p> <p>25 remember her name.</p> <p style="text-align: right;">124</p>                                                                                                                                                                            |



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| <p>1 Q. Was it Jane Raley?</p> <p>2 A. Short-haired old lady with some</p> <p>3 glasses and --</p> <p>4 Q. Okay, and is she the same lawyer</p> <p>5 that was in court when you actually testified?</p> <p>6 A. Correct.</p> <p>7 Q. Mr. Bowman showed you a copy of the</p> <p>8 affidavit that was prepared dated June 12,</p> <p>9 2010. It was marked as Exhibit 29.</p> <p>10 Do you still have that in front of</p> <p>11 you?</p> <p>12 A. Yes.</p> <p>13 Q. Did you prepare that affidavit?</p> <p>14 Did you type it up?</p> <p>15 A. I did not type this up.</p> <p>16 Q. How did you get it in this typed</p> <p>17 form? How was it provided to you?</p> <p>18 A. It was provided to me by -- what</p> <p>19 was her name? She wrote everything down that I</p> <p>20 said, and then she put it on here.</p> <p>21 Q. Okay. And then did she give it to</p> <p>22 you to take a look at to make sure it was</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And did you make any corrections to</p> <p style="text-align: right;">125</p> | <p>1 them -- ask your attorney if we could get</p> <p>2 copies.</p> <p>3 MR. GIVEN: And actually, Cynthia,</p> <p>4 I did -- sorry, not Cynthia.</p> <p>5 Stephanie, I did serve a subpoena</p> <p>6 Duces Tecum for any documents he might have, so</p> <p>7 if you could find those that would be great.</p> <p>8 MS. ROSEN: Yeah, we'll follow up</p> <p>9 with your attorney, but if you have them, like</p> <p>10 I said, we've never seen the drafts to see the</p> <p>11 changes that you made. All right.</p> <p>12 Q. And when -- was it Cynthia that</p> <p>13 asked you, the investigator, that had come out</p> <p>14 to your house, was she the one that asked you</p> <p>15 to prepare the affidavit or if you would be</p> <p>16 willing to prepare the affidavit or was it</p> <p>17 Jennifer?</p> <p>18 A. It was Jennifer.</p> <p>19 Q. Okay. And did she tell you what</p> <p>20 they needed the affidavit for?</p> <p>21 A. Yes.</p> <p>22 Q. And what did she tell you?</p> <p>23 A. She told me it was for Jacques</p> <p>24 Rivera, for his behalf, where I wanted to</p> <p>25 recant my story, and I wanted to correct the</p> <p style="text-align: right;">127</p>                                      |
| <p>1 it, do you remember?</p> <p>2 A. If I correctly -- yeah, I did make</p> <p>3 some corrections because I wanted to make sure</p> <p>4 everything was accurate.</p> <p>5 Q. And then you sent it back?</p> <p>6 A. Correct.</p> <p>7 Q. And how did you do this, by email?</p> <p>8 A. Email.</p> <p>9 Q. And then once you made those</p> <p>10 corrections, did she send the affidavit back to</p> <p>11 you for you to review again?</p> <p>12 A. Correct.</p> <p>13 Q. How many revisions do you think</p> <p>14 that went through?</p> <p>15 A. If I'm correct, I think it was</p> <p>16 three or -- two or three I think it was.</p> <p>17 Q. Did you keep copies of --</p> <p>18 A. I sure did.</p> <p>19 Q. Do you still have them?</p> <p>20 A. Not on me here.</p> <p>21 Q. No, but I mean do you still have</p> <p>22 them somewhere today?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Because we have not been provided</p> <p>25 those drafts, so at some point we might get</p> <p style="text-align: right;">126</p>                        | <p>1 wrong that I did.</p> <p>2 Q. Okay. And then did she tell you</p> <p>3 that -- what the goal would have been to use</p> <p>4 the affidavit, what they wanted to accomplish?</p> <p>5 A. The mission was to reopen the case.</p> <p>6 Q. Okay. And we talked -- you talked</p> <p>7 a little bit this morning about the gangs that</p> <p>8 were in and around the area where you lived at</p> <p>9 the time of this incident and you had mentioned</p> <p>10 that at some point you felt peer pressure and</p> <p>11 you ultimately joined a gang, and I thought you</p> <p>12 said you were an MLD, but then did you also say</p> <p>13 something about Deuces something, or did I</p> <p>14 mishear you?</p> <p>15 A. You misheard me.</p> <p>16 Q. Okay. So the only gang that you</p> <p>17 ever were a member of was the Maniac Latin</p> <p>18 Disciples?</p> <p>19 A. Correct.</p> <p>20 Q. What's the relationship between the</p> <p>21 -- what was the relationship in say 1988, '89</p> <p>22 between the Maniac Latin Disciples and the</p> <p>23 Campbell Boys?</p> <p>24 A. The Maniac Latin Disciples pretty</p> <p>25 much, the umbrella and the Campbell Boys fall</p> <p style="text-align: right;">128</p> |

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| <p>1 under them. That's why they had the word<br/>2 Maniac in their gang. Anything that was -- you<br/>3 know, Maniac Latin Disciples were the gang --<br/>4 the Don if you want to say pretty much and<br/>5 everybody had to, you know, follow suit under<br/>6 them.</p> <p>7 Q. So the Maniac Campbell Boys, is<br/>8 that like the full name for that?</p> <p>9 A. Yeah, that's the name, yeah.</p> <p>10 Q. So they were under the umbrella of<br/>11 the Mania Latin Disciples; correct?</p> <p>12 A. Correct.</p> <p>13 Q. So they were friendly?</p> <p>14 A. Correct.</p> <p>15 Q. And Imperial Gangsters, how did<br/>16 they fit within that framework in that 1988,<br/>17 '89 timeframe?</p> <p>18 A. At the time they were rivals.</p> <p>19 Q. And what was the territory of the<br/>20 Imperial Gangsters in this 1988, '89 timeframe<br/>21 in relation to where you lived?</p> <p>22 A. Well, from Kimball and Cortland all<br/>23 the way to Fullerton and -- Fullerton and --<br/>24 what was the street? Yeah, Kimball,<br/>25 Fullerton -- from Fullerton to Armitage, they</p> <p style="text-align: right;">129</p>                             | <p>1 Cortland back in 1988 that it was you, your<br/>2 mother, your stepfather, and your four sisters,<br/>3 and we already talked about Marilyn. Your<br/>4 three other sisters, were they older or younger<br/>5 than you?</p> <p>6 A. I had an older one, she was the<br/>7 oldest and the other two were younger. Marilyn<br/>8 was the second oldest.</p> <p>9 Q. Marilyn was the second oldest?</p> <p>10 A. Correct.</p> <p>11 Q. When did Marilyn start dating<br/>12 Israel?</p> <p>13 A. That I can't really give you an<br/>14 answer on that, that was between them two.</p> <p>15 Q. Up until the time of Felix's death,<br/>16 had they been going out for a long period of<br/>17 time?</p> <p>18 A. Yes. She was already living -- you<br/>19 know, living with -- you know, staying over<br/>20 their mother's house over there with her. They<br/>21 were already deeply involved.</p> <p>22 Q. Okay. Did they have any kids<br/>23 together --</p> <p>24 A. Yeah.</p> <p>25 Q. -- at that point?</p> <p style="text-align: right;">131</p> |
| <p>1 were big on that sense. From Central Park, you<br/>2 had Central Park, Armitage and then Kimball.<br/>3 Then once you hit Palmer -- towards Central<br/>4 Park and Palmer those were Cobras, and then by<br/>5 Kedzie, that was the borderline between Kings<br/>6 and Gangsters.</p> <p>7 Q. Okay. And so then where were the<br/>8 Maniac Latin Disciples in all of this?</p> <p>9 A. That was just me saying that was<br/>10 just the gang I joined. That was all it is.<br/>11 The Maniac Latin Disciples were over there on<br/>12 the other side of Humboldt Park. They're --<br/>13 Humboldt Park area and they're in the northwest<br/>14 side also towards Pulaski and all that area.</p> <p>15 Q. Okay, but Israel was a Maniac<br/>16 Campbell Boy; right?</p> <p>17 A. Correct.</p> <p>18 Q. And he -- and where did he live?</p> <p>19 A. He lived in Campbell LeMoyné where<br/>20 did Campbell Boys like originated from.</p> <p>21 Q. Got it. Okay. So your<br/>22 neighborhood though was not Campbell Boys?</p> <p>23 A. At all.</p> <p>24 Q. I got it. Okay.</p> <p>25 You said that when you lived on</p> <p style="text-align: right;">130</p> | <p>1 A. At that point, no. She was -- she<br/>2 got pregnant --</p> <p>3 Q. Right around that timeframe?</p> <p>4 A. Around that timeframe.</p> <p>5 Q. And how many children did she end<br/>6 up having with Israel?</p> <p>7 A. Three.</p> <p>8 Q. And he's since passed away;<br/>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And how did he die?</p> <p>12 A. Murdered.</p> <p>13 Q. How long after Felix's murder was<br/>14 Israel murdered?</p> <p>15 A. I'd say a couple years after.</p> <p>16 Q. And was his murder -- the<br/>17 perpetrator brought to justice? Was that crime<br/>18 like do you know --</p> <p>19 A. From my brother-in-law who he died,<br/>20 no, it was never brought to justice.</p> <p>21 Q. So nobody knows who killed him?</p> <p>22 A. It was a rival gang. At the time<br/>23 there was a Spanish Cobra thing, a war going<br/>24 on.</p> <p>25 Q. But nobody was ever arrested?</p> <p style="text-align: right;">132</p>                                                                                          |

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| <p>1 A. That I'm aware of, no.</p> <p>2 Q. And you've referred to Israel as</p> <p>3 your brother-in-law. Did they ever actually</p> <p>4 get married?</p> <p>5 A. No.</p> <p>6 Q. Now, on the day that Felix was</p> <p>7 shot, you had said that -- something about</p> <p>8 Israel and your sister going to a wedding.</p> <p>9 A. Correct.</p> <p>10 Q. Before you came out of the house</p> <p>11 that day, was Israel already in your apartment?</p> <p>12 A. Correct.</p> <p>13 Q. Had he come there with Felix to</p> <p>14 pick up your sister?</p> <p>15 A. No.</p> <p>16 Q. Felix came to get Israel and</p> <p>17 Marilyn?</p> <p>18 A. Correct.</p> <p>19 Q. Was Israel staying at your house at</p> <p>20 that point?</p> <p>21 A. He spent the night over.</p> <p>22 Q. Was that something he would do from</p> <p>23 time to time is spend the night at your house?</p> <p>24 A. Correct.</p> <p>25 Q. Did you know that -- before you</p> <p style="text-align: right;">133</p>                                                                                                                                                                                                                               | <p>1 just point out again --</p> <p>2 MR. BOWMAN: Can you turn it so I</p> <p>3 can see?</p> <p>4 A. I can't show it to both of you at</p> <p>5 the same time.</p> <p>6 Q. That's okay. You can hold it --</p> <p>7 there you go.</p> <p>8 A. Back in the day this was boarded</p> <p>9 up. There was no nobody living there. There</p> <p>10 was this first floor back then.</p> <p>11 Q. Okay.</p> <p>12 A. And this was my bedroom.</p> <p>13 Q. Okay.</p> <p>14 A. And that's where, you know, they</p> <p>15 come in and say, hey, I'm on my way. You know,</p> <p>16 I'm overhearing him say, hey, I'm on my way,</p> <p>17 just relax. You know, that type of</p> <p>18 conversation.</p> <p>19 Q. Sure. So you knew that Felix was</p> <p>20 already there in the alley?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And the car that he was driving,</p> <p>23 that red car, was that Felix's car?</p> <p>24 A. Correct.</p> <p>25 Q. At the time that you were out on</p> <p style="text-align: right;">135</p>                                                                                                                                                                                                              |
| <p>1 went out the door, did you know that Felix was</p> <p>2 already there?</p> <p>3 A. Yes, I heard the -- yes, they</p> <p>4 beeped the horn and my brother-in-law was like</p> <p>5 you need to hurry up to my sister pretty much.</p> <p>6 Q. And you lived on that first floor</p> <p>7 apartment. Could you see out the window of the</p> <p>8 first floor into the alley to see the car?</p> <p>9 A. Yes.</p> <p>10 Q. There's I think the other</p> <p>11 photograph.</p> <p>12 A. See right here (indicating) there</p> <p>13 was a window -- the window was here</p> <p>14 (indicating) and there was a window over here</p> <p>15 also (indicating). So we saw him through --</p> <p>16 that was my bedroom at the time.</p> <p>17 Q. The corner was?</p> <p>18 A. Yes, this was my bedroom there</p> <p>19 (indicating), but see these windows here</p> <p>20 (indicating), they were boarded up back in the</p> <p>21 day. So this (indicating) was actually</p> <p>22 considered the basement, and this (indicating)</p> <p>23 was considered the first floor.</p> <p>24 Q. Okay, can we turn that photograph</p> <p>25 so that the videographer can see that? Can you</p> <p style="text-align: right;">134</p> | <p>1 the street and observing all the things that</p> <p>2 you already testified to, was there anybody</p> <p>3 else out on the street?</p> <p>4 A. No.</p> <p>5 Q. The detective that you described</p> <p>6 earlier with the fro and the glasses, do you</p> <p>7 know how old he was? Can you estimate his age?</p> <p>8 A. No, I can't tell you that. I</p> <p>9 really don't know. I don't want to guess his</p> <p>10 age to be honest with you. I don't know.</p> <p>11 Q. Was he tall or short?</p> <p>12 A. Well, he was taller than me, of</p> <p>13 course. Remember I was a child, so everybody</p> <p>14 was taller than me, so that's the response</p> <p>15 you're going to get from me.</p> <p>16 Q. Was he thin or heavy set?</p> <p>17 A. I'd say he was thin I guess, I</p> <p>18 don't know, or my size, you know, my size</p> <p>19 probably. I don't know. You know, either or I</p> <p>20 guess. In between probably.</p> <p>21 Q. And you had said that at -- earlier</p> <p>22 when you were talking about the, I believe it</p> <p>23 was the first lineup, that Felix's father was</p> <p>24 there, too?</p> <p>25 A. If my memory suits me right, yes.</p> <p style="text-align: right;">136</p> |

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| <p>1 Q. And when you say there, do you mean<br/>2 in the room with you?<br/>3 A. Yes, he was in the room.<br/>4 Q. Do you know why Felix's father was<br/>5 there?<br/>6 A. I couldn't tell you why.<br/>7 Q. Earlier when you were telling us<br/>8 about Jennifer and Cynthia coming to Ohio and<br/>9 knocking on your door you said something about<br/>10 telling them that you wanted to get a lawyer.<br/>11 A. Uh-huh.<br/>12 Q. Did you tell them you wanted a<br/>13 lawyer?<br/>14 A. Correct.<br/>15 Q. And what did they say to you?<br/>16 A. That's fine.<br/>17 Q. Now, I know that you were given a<br/>18 copy and you reviewed the testimony that you<br/>19 most recently gave, the Exhibit No. 30.<br/>20 When is the last time that you<br/>21 reviewed your testimony from the criminal<br/>22 trial?<br/>23 A. The criminal trial I -- when I<br/>24 received the -- when she -- I got mail and then<br/>25 also got it on the email, like a thing I read</p> <p style="text-align: right;">137</p>                                                                                                                                                      | <p>1 I was more -- for some odd reason stuck on<br/>2 that. I was mainly more focused on reading<br/>3 that. I don't know why, but that's what I read<br/>4 more than anything else.<br/>5 Q. So you don't recall the testimony<br/>6 where they were asking you questions about the<br/>7 lineup?<br/>8 A. No. No, I didn't really review<br/>9 that part of it.<br/>10 Q. Do you recall being asked questions<br/>11 about the lineup when you testified back in<br/>12 1990?<br/>13 A. There is a lot of -- like I said,<br/>14 you guys are asking details and it's hard for<br/>15 me to tell you yes, no, and I understand it's<br/>16 yes or no questions, but --<br/>17 Q. No, that's not necessarily a yes or<br/>18 no question, so if you don't remember, you<br/>19 don't remember. I'm just trying to probe, you<br/>20 know, what you remember.<br/>21 A. No, I just -- like I said, I just<br/>22 remember them asking how far from the shooter.<br/>23 That's what I -- I recant. I do remember that<br/>24 part of the -- you know, vividly in the sense<br/>25 it stuck in my head.</p> <p style="text-align: right;">139</p>               |
| <p>1 -- before I went through the first one, I<br/>2 actually read through that one first, the old<br/>3 one, to see -- you know, just to curse at it<br/>4 and, you know, just get out my anger and curse<br/>5 the police, believe me -- you know, just<br/>6 whatever. As far as -- just I reviewed it<br/>7 there. It was last week, there.<br/>8 Q. So fairly recently?<br/>9 A. Just recently, yes. I apologize.<br/>10 Q. That's okay.<br/>11 A. I'm letting my emotions get the<br/>12 best of me.<br/>13 Q. I know this is difficult, and it's<br/>14 hard to relive all of this, and we appreciate<br/>15 that you're sitting here and doing that.<br/>16 When you were reviewing that<br/>17 testimony, did you take note of your testimony<br/>18 where you were asked about the lineup that you<br/>19 saw?<br/>20 A. I was basically going on the --<br/>21 for some reason I was just going based on -- I<br/>22 wanted to read the ending of it, and I was<br/>23 looking at that more because of the lawyer how<br/>24 he was asking me how far did you see the<br/>25 distance from, you know, that was really where</p> <p style="text-align: right;">138</p> | <p>1 Q. Sure. Do you remember at the time<br/>2 of the criminal trial that you were shown a<br/>3 photograph of the lineup and you were asked to<br/>4 put an X over the person you identified in the<br/>5 lineup?<br/>6 A. I did read that. Now that you<br/>7 bring it up, I did read that part, and I also<br/>8 -- they also -- I remember them telling me to<br/>9 point out the shooter in trial, and I proceeded<br/>10 to point at Jacques Rivera at the time.<br/>11 Q. Okay. I'm going to ask that we<br/>12 mark this -- what number are we on?<br/>13 MR. BOWMAN: I think we're at 36.<br/>14 - - - - -<br/>15 (Thereupon, Deposition Exhibit 36,<br/>16 Photograph, was marked for purposes<br/>17 of identification.)<br/>18 - - - - -<br/>19 Q. I'm going to show you what we've<br/>20 marked for identification as Exhibit No. 36,<br/>21 and it also has one of those Bates stamp<br/>22 numbers at the bottom, which I see is cut off<br/>23 on this version, but it's Bluhm, B-L-U-H-M,<br/>24 45084, and I'm going to ask you to take a look<br/>25 at that. And do you see the photograph in</p> <p style="text-align: right;">140</p> |



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| <p>1 front of you there, Mr. Lopez?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recognize that photograph?</p> <p>4 A. I really don't remember this</p> <p>5 photograph.</p> <p>6 Q. Do you remember putting the red X</p> <p>7 on the photograph at the time of the trial?</p> <p>8 A. No, I don't recall the -- like I</p> <p>9 said, trial is any -- I don't remember too much</p> <p>10 of the trial as far as pictures and stuff like</p> <p>11 that.</p> <p>12 Q. Do you recognize anybody in that</p> <p>13 photograph?</p> <p>14 A. Yes. I recognize Jacques Rivera.</p> <p>15 Q. Do you recognize any of the other</p> <p>16 individuals in that photograph?</p> <p>17 A. No, I don't.</p> <p>18 Q. Do you remember ever seeing them</p> <p>19 before?</p> <p>20 A. No.</p> <p>21 Q. Is that the first lineup that you</p> <p>22 saw?</p> <p>23 A. I can't -- I don't remember the --</p> <p>24 you know, it was the first or the second. I</p> <p>25 can't tell you if it was -- you know.</p> <p style="text-align: right;">141</p>                                                                                                                                                                                    | <p>1 Q. Was it walking distance?</p> <p>2 A. No. You can walk there, don't get</p> <p>3 me wrong, but it was going to take a while to</p> <p>4 get there.</p> <p>5 Q. Okay. When you testified earlier</p> <p>6 that you were in the hiding place the first</p> <p>7 time at the -- right next to the door of your</p> <p>8 building and then you said you ran to the</p> <p>9 corner store to get help, how did you -- how</p> <p>10 did you run, like what direction did you take?</p> <p>11 MR. BOWMAN: Object to the form of</p> <p>12 the question.</p> <p>13 A. Answer it?</p> <p>14 Q. Yeah, you can go ahead and answer.</p> <p>15 A. On an angle, straight across.</p> <p>16 Q. And then when you ran back from the</p> <p>17 corner store back to that hiding place again,</p> <p>18 what direction?</p> <p>19 A. Same way. I ran east if you want</p> <p>20 to call it. I ran northwest, you know,</p> <p>21 southeast.</p> <p>22 Q. So both times you were running</p> <p>23 diagonally across the street?</p> <p>24 A. Correct.</p> <p>25 Q. Do you remember when you first</p> <p style="text-align: right;">143</p>                                      |
| <p>1 Q. You don't remember?</p> <p>2 A. I don't remember.</p> <p>3 Q. That's fair enough. After Felix</p> <p>4 was shot you testified earlier that Israel came</p> <p>5 down. Did Marilyn come down, too?</p> <p>6 A. No, not at the moment. She came</p> <p>7 after they -- she heard the car. He was</p> <p>8 yelling, you know, just screaming and then got</p> <p>9 out the car, peeled the car, and she was like</p> <p>10 what happened, what happened, and that's when</p> <p>11 -- and that was pretty much what happened.</p> <p>12 That's when she came afterwards.</p> <p>13 Q. And where did she come from?</p> <p>14 A. From the apartment.</p> <p>15 Q. Okay. And then where did she go</p> <p>16 after she came out?</p> <p>17 A. She just started crying and just</p> <p>18 started walking towards east to go towards, you</p> <p>19 know, the area where they were from.</p> <p>20 Q. How far from your house on Cortland</p> <p>21 was the Valentin house?</p> <p>22 A. It was far. You had -- you know,</p> <p>23 you took -- I'm going to -- I really don't know</p> <p>24 mileage, you know, how many miles, but it was</p> <p>25 far. It was a distance.</p> <p style="text-align: right;">142</p> | <p>1 spoke with Cynthia and Jennifer when they came</p> <p>2 out to visit you in Ohio that first time saying</p> <p>3 something about the real shooter's name being</p> <p>4 Izzy or Gizzy?</p> <p>5 A. It was a gangster, yeah. The words</p> <p>6 -- the street -- like after that I saw -- I</p> <p>7 also saw him back in the day, you know, when I</p> <p>8 was in high school at Kelvyn Park, and I saw</p> <p>9 him there also, but --</p> <p>10 MR. BOWMAN: I'm sorry, which park?</p> <p>11 THE WITNESS: High school, Kelvyn</p> <p>12 Park High School, because his brother was</p> <p>13 having problems and he went to go, you know,</p> <p>14 fix a problem and at the time when I saw him, I</p> <p>15 ran also like a -- scared.</p> <p>16 Q. Okay. So let me try and understand</p> <p>17 this. This time that you're talking about at</p> <p>18 Kelvyn Park is years later?</p> <p>19 A. Years later.</p> <p>20 Q. About how old were you at that</p> <p>21 point?</p> <p>22 A. I was a freshman.</p> <p>23 Q. In high school?</p> <p>24 A. In high school.</p> <p>25 Q. And you saw the person that you had</p> <p style="text-align: right;">144</p> |



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| <p>1 seen at Funston School earlier; right?</p> <p>2 A. Correct.</p> <p>3 Q. And you said something about he had</p> <p>4 come up to the park because his brother was</p> <p>5 having some kind of trouble?</p> <p>6 A. Yes.</p> <p>7 Q. His younger brother or his older</p> <p>8 brother?</p> <p>9 A. Younger brother.</p> <p>10 Q. And how do you know that?</p> <p>11 A. I didn't know him, you know,</p> <p>12 personally, but we know that was his brother</p> <p>13 because, you know, he was like -- you know, he</p> <p>14 got -- it was just -- his brother got beat up</p> <p>15 it looked like and he came and was upset about</p> <p>16 it. Like I said, we all lived around the area.</p> <p>17 You know, his brother went to Kelvyn Park, and</p> <p>18 I knew this for a lot of years, and I was --</p> <p>19 like I said, I didn't -- I stayed away.</p> <p>20 Q. When did you first become aware</p> <p>21 that the person that you believed shot Felix's</p> <p>22 younger brother went to Kelvyn Park?</p> <p>23 A. When he went the first year,</p> <p>24 freshman year. Like I said, they all -- you</p> <p>25 know like when you're in gangs, people talk</p> <p style="text-align: right;">145</p> | <p>1 Q. Okay. And did you ever get any</p> <p>2 more information about this Izzy or Gizzy</p> <p>3 person after that time?</p> <p>4 A. I didn't want no part of knowing</p> <p>5 nothing about the individual. Like I said, I</p> <p>6 was scared for my life. I didn't -- the best</p> <p>7 -- I was hiding fool in other words.</p> <p>8 Q. Did you know the little brother's</p> <p>9 name?</p> <p>10 A. No, I did not know him like that.</p> <p>11 Like I said, I didn't want no part of knowing</p> <p>12 nobody. I just knew he was his little brother.</p> <p>13 Q. Did you go to Kelvyn Park?</p> <p>14 A. Yes.</p> <p>15 Q. Were you and the little brother the</p> <p>16 same age, like in the same class?</p> <p>17 A. No, no, no, no.</p> <p>18 Q. Was he older than you or younger</p> <p>19 than you?</p> <p>20 A. That -- I'm assuming we were around</p> <p>21 the same age probably because I like said, he</p> <p>22 was at Kelvyn Park.</p> <p>23 Q. Okay. Earlier today you said you</p> <p>24 didn't see the driver of the getaway car?</p> <p>25 A. No, I did not.</p> <p style="text-align: right;">147</p>                                                                                                                                            |
| <p>1 about, yo, this is individual's brother and</p> <p>2 that's why he was having problems at school.</p> <p>3 He said she -- you know, the type where this is</p> <p>4 his little brother.</p> <p>5 Q. Okay. When did you first become</p> <p>6 aware that the person who you believed shot</p> <p>7 Felix's name was Izzy or Gizzy?</p> <p>8 A. Because that was around the area</p> <p>9 where his brother -- when he came to the</p> <p>10 school, that's what the name they were saying,</p> <p>11 his name.</p> <p>12 Q. Okay. So they said that this</p> <p>13 individual's brother's name is Izzy or Gizzy?</p> <p>14 A. Correct.</p> <p>15 Q. And then when you saw him you</p> <p>16 realized it was the shooter?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. I got it now. So it wasn't</p> <p>19 that you knew it before then --</p> <p>20 A. Yeah, I didn't know. No, I didn't</p> <p>21 remember like at all the details of his name.</p> <p>22 I knew after when he was like, yo, that's the</p> <p>23 brother and that's Izzy, you know, and then I</p> <p>24 ran when I saw that. I was like, oh, gosh,</p> <p>25 here we go again. I got to get out of here.</p> <p style="text-align: right;">146</p>     | <p>1 Q. For lack of a better description,</p> <p>2 do you remember telling Cynthia and Jennifer</p> <p>3 that he was fat, that the driver was a fat guy?</p> <p>4 A. That I don't recall if I said it.</p> <p>5 I probably did say that. I just remember</p> <p>6 saying to them that it was, you know, it was</p> <p>7 not him, and that the guy that did it was a</p> <p>8 gangster, and that was pretty much the convers-</p> <p>9 -- you know, like I said, there was a lot of</p> <p>10 things said and just -- you know how you guys</p> <p>11 bombard people with questions and you're just</p> <p>12 answering and answering and you're answering as</p> <p>13 best as you can. So I apologize if I don't</p> <p>14 recall a lot of the answering the questions,</p> <p>15 so --</p> <p>16 Q. No, it's not a problem at all. So</p> <p>17 you don't remember one way or the other whether</p> <p>18 you used a descriptive --</p> <p>19 A. Yeah, I don't -- yeah, I don't.</p> <p>20 Q. Now, in the Valentin family, there</p> <p>21 was Israel and Felix. Were there other</p> <p>22 brothers other sisters?</p> <p>23 A. Harry.</p> <p>24 Q. And do you know Harry Valentin?</p> <p>25 A. Yeah, I did know him -- remember</p> <p style="text-align: right;">148</p> |

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| <p>1 him.</p> <p>2 Q. Is he still alive?</p> <p>3 A. I couldn't tell -- I can't answer</p> <p>4 that. I really don't know.</p> <p>5 Q. Were you -- did you consider him</p> <p>6 family too, at the time back in 1988?</p> <p>7 A. That's all family. Once you have</p> <p>8 kids with a -- you know, you're family pretty</p> <p>9 much. That's how we roll.</p> <p>10 Q. Okay. When is the last time you</p> <p>11 spoke with Harry?</p> <p>12 A. I haven't spoke to those people</p> <p>13 ever since I left, and it's been since I was 18</p> <p>14 years old probably.</p> <p>15 Q. Oh, okay.</p> <p>16 A. I was done.</p> <p>17 Q. Go ahead.</p> <p>18 A. I was just done with a lot. You</p> <p>19 know, like I said, once I had my son at 19</p> <p>20 years old, I didn't want to deal with nobody no</p> <p>21 more.</p> <p>22 Q. Were there any sisters in the</p> <p>23 Valentin family?</p> <p>24 A. Denise.</p> <p>25 Q. Any other sisters?</p> <p style="text-align: right;">149</p>                                                                                                                                                                                                                                 | <p>1 Q. -- Jacques?</p> <p>2 A. -- I did answer some of those</p> <p>3 questions my best, you know.</p> <p>4 Q. And have you ever seen the report</p> <p>5 that Cynthia Estes prepared about the interview</p> <p>6 she did with you?</p> <p>7 A. All that she showed me was the</p> <p>8 affidavit.</p> <p>9 Q. Okay. So you never saw her -- she</p> <p>10 -- any typed up report she prepared?</p> <p>11 A. Just affidavit.</p> <p>12 - - - - -</p> <p>13 (Thereupon, Deposition Exhibit 37,</p> <p>14 Report, was marked for purposes of</p> <p>15 identification.)</p> <p>16 - - - - -</p> <p>17 Q. We are on Exhibit 37. I'm going to</p> <p>18 ask you to just flip through those pages. I</p> <p>19 don't want you to read the whole thing, but</p> <p>20 just take a quick look and make sure you've</p> <p>21 never seen that before, or if you have seen</p> <p>22 that before, tell me that you've seen it</p> <p>23 before?</p> <p>24 A. All I remember was, like I said,</p> <p>25 the affidavit.</p> <p style="text-align: right;">151</p>                                                                                                                                                                                  |
| <p>1 A. They had a baby sister Vanessa.</p> <p>2 Q. And no contact with any of them</p> <p>3 since you left Chicago; right?</p> <p>4 A. No, I'm done with -- like I said, I</p> <p>5 don't want no part of that. I was done.</p> <p>6 Q. When Cynthia and Jennifer first</p> <p>7 came out to your house in Ohio to talk to you,</p> <p>8 do you remember them asking you specific</p> <p>9 questions about the order in which you</p> <p>10 identified Jacques?</p> <p>11 A. The way --</p> <p>12 MR. BOWMAN: Object to the form of</p> <p>13 the question.</p> <p>14 A. It was -- like I said, it was --</p> <p>15 they were asking me the lineups and I -- just</p> <p>16 like I was telling him, a lot of that stuff I</p> <p>17 don't recall how the order went. They were not</p> <p>18 coaching me in the sense either.</p> <p>19 Q. No, no, I don't mean that. I mean</p> <p>20 do you remember them asking you at some point</p> <p>21 while they were talking to you that they want</p> <p>22 to get it straight, and that they asked you to</p> <p>23 sort of tell them, you know, a sequence to the</p> <p>24 times that you identified --</p> <p>25 A. To my best ability --</p> <p style="text-align: right;">150</p> | <p>1 Q. Okay. So you don't ever recall</p> <p>2 seeing that before. So just give me one</p> <p>3 second. I'm going to ask you to take a look at</p> <p>4 Page 11 of that report. If you just read --</p> <p>5 you can just read it to yourself starting at</p> <p>6 where it says, I asked Mr. Lopez if we could go</p> <p>7 through the order in which he identified our</p> <p>8 client, and just read that to the bottom of the</p> <p>9 page.</p> <p>10 A. Out loud?</p> <p>11 Q. No, to yourself.</p> <p>12 A. Oh. All righty.</p> <p>13 Q. Okay. Now, if you go to the sort</p> <p>14 of the beginning few lines of that, that page</p> <p>15 there, 11 of the Estes report where it says</p> <p>16 Mr. Lopez said the cops brought the mug book to</p> <p>17 his house and he picked the guy, then he thinks</p> <p>18 he may have picked him from a lineup a few days</p> <p>19 later. Then he thinks a few days after that</p> <p>20 they showed him more photos and that's when he</p> <p>21 told them Rivera was not the guy, but the lady</p> <p>22 wouldn't listen.</p> <p>23 Do you see that there?</p> <p>24 A. What was the -- okay.</p> <p>25 MR. BOWMAN: Yeah, I object to the</p> <p style="text-align: right;">152</p> |

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| <p>1 form of the question, also to the evidentiary<br/>2 basis for the -- I mean the --<br/>3 A. Well, could I state --<br/>4 MS. ADAMS: Wait. You don't answer<br/>5 questions that haven't -- let him finish his<br/>6 objection.<br/>7 MR. BOWMAN: I finished my<br/>8 objection. I object to the form of the<br/>9 question, and I don't think it even states a<br/>10 question.<br/>11 BY MS. ROSEN:<br/>12 Q. Okay. The question is do you see<br/>13 those couple sentences there in that report?<br/>14 That's my first question.<br/>15 A. Yeah, I do see that.<br/>16 Q. Okay. Do you recall when you were<br/>17 having a conversation with Jennifer and<br/>18 Cynthia, saying that to them, saying that the<br/>19 cops brought the mug book to your house and you<br/>20 picked the guy and then you think you may have<br/>21 picked him from a lineup a few days later and<br/>22 then you think a few days after that they<br/>23 showed you more photographs -- photos and<br/>24 that's when you told them that Rivera was not<br/>25 the guy, but the lady wouldn't listen?</p> <p style="text-align: right;">153</p> | <p>1 MR. BOWMAN: Objection.<br/>2 Foundation. Asked and answered. It's already<br/>3 been testified to.<br/>4 Q. Is what she has recounted there<br/>5 accurate of what you told her?<br/>6 MR. BOWMAN: Same objection. No<br/>7 foundation for that question.<br/>8 A. Like I said, again --<br/>9 MR. BOWMAN: Just answer the<br/>10 question. Either it is or it isn't.<br/>11 A. I don't remember talking to her<br/>12 like this. There.<br/>13 Q. Okay. In your conversation with<br/>14 Jennifer and Cynthia, did you say something<br/>15 about that you had heard that Mr. Rivera had an<br/>16 alibi so you thought he would be found not<br/>17 guilty?<br/>18 A. Yeah, I did say that.<br/>19 Q. Where did you hear that, that he --<br/>20 where did you hear that he had an alibi?<br/>21 A. In the court. That was the defense<br/>22 of the lawyer where he was saying, you know, he<br/>23 wasn't there, because like I said, there is<br/>24 certain things I remember vividly and there's<br/>25 certain things I don't remember vividly.</p> <p style="text-align: right;">155</p> |
| <p>1 Did you say that to Cynthia and<br/>2 Jennifer when you they came to your house?<br/>3 MR. BOWMAN: Object to the form of<br/>4 the question.<br/>5 A. What I said -- because like I said,<br/>6 you guys write -- like I said, you guys write<br/>7 however you guys want to write I guess,<br/>8 whatever. What I've been saying here is<br/>9 exactly what I told her also.<br/>10 Q. Okay.<br/>11 A. So you guys word things differently<br/>12 and I -- I'm just shocked. Like I said, I told<br/>13 them exactly what I told you and what you've<br/>14 been hearing me come out of my mouth.<br/>15 Q. Okay.<br/>16 A. So this is something they wrote. I<br/>17 never saw this. So I couldn't tell you -- like<br/>18 I said, they word things differently. I don't<br/>19 know how they wrote this or whether they -- I<br/>20 just -- I'm just amazed how things get written<br/>21 here. To say I remember exactly how they said<br/>22 this. No, I don't remember saying it like<br/>23 this.<br/>24 Q. Is it accurate the way she's got it<br/>25 written there?</p> <p style="text-align: right;">154</p>               | <p>1 Q. Sure.<br/>2 A. I remember the lawyer saying he<br/>3 didn't do it. He had an alibi, so that was his<br/>4 defense. That I remember saying in those type<br/>5 of words.<br/>6 Q. So you remember that in the<br/>7 courtroom way back in 1990?<br/>8 A. Correct.<br/>9 Q. And that was from Mr. Rivera's<br/>10 lawyer saying arguing or something to the<br/>11 judge?<br/>12 A. Correct.<br/>13 Q. After you had become involved in<br/>14 the police investigation into Felix's shooting<br/>15 and murder, did you for some period of time<br/>16 move to your dad's house on Avers because you<br/>17 were afraid of some kind of gang retaliation?<br/>18 A. Yes, I did move with my father.<br/>19 Q. And when did you do that?<br/>20 A. I couldn't tell you the day or the<br/>21 time. I just know I moved with my dad.<br/>22 Q. And would it have been right around<br/>23 the time of the shooting?<br/>24 A. No. It didn't happen right away.<br/>25 Q. A little bit later?</p> <p style="text-align: right;">156</p>                                                            |

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| <p>1 A. Because I was still living with my<br/>2 mom.<br/>3 Q. Was it later?<br/>4 A. It was later on.<br/>5 Q. Do you remember if it was before or<br/>6 after you testified?<br/>7 A. I don't re- -- like I said, I don't<br/>8 remember.<br/>9 Q. Okay. And you had testified<br/>10 earlier today, and I think I read it in other<br/>11 places where you talk about that your parents<br/>12 didn't want you involved in this way back when;<br/>13 right?<br/>14 A. Correct.<br/>15 Q. Why didn't they want you involved?<br/>16 A. Typical Latinos. We don't want<br/>17 to -- they were afraid for my life and the<br/>18 problems -- you know, retaliation from gangs.<br/>19 You know how that goes over there in Chicago,<br/>20 it's obvious. They were just concerned about<br/>21 me, and they didn't want me to get involved.<br/>22 Q. Because they were afraid for your<br/>23 safety?<br/>24 A. And theirs, too.<br/>25 Q. And theirs, right. The police</p> <p style="text-align: right;">157</p>                                                                 | <p>1 Do you recall how many times you<br/>2 communicated with Cynthia about the affidavit?<br/>3 MR. BOWMAN: Object to the form of<br/>4 the question.<br/>5 A. A couple of times I assume. You<br/>6 know, I don't -- to say five, ten I couldn't<br/>7 tell you that --<br/>8 MS. ADAMS: Just to be clear, she<br/>9 communicated with me. She didn't communicate<br/>10 directly with him.<br/>11 MS. ROSEN: Oh, okay. Then let me<br/>12 back up for a second.<br/>13 A. I'm just, you know -- I was getting<br/>14 stuff through there --<br/>15 MS. ROSEN: Okay. Let's go back<br/>16 and I'll establish --<br/>17 MS. ADAMS: Relax.<br/>18 MS. ROSEN: -- sorry, the<br/>19 foundation.<br/>20 MS. ADAMS: That's okay.<br/>21 BY MS. ROSEN:<br/>22 Q. After you met with Jennifer and<br/>23 Cynthia, did you communicate with them any<br/>24 further after that first time directly or was<br/>25 it all that communication through your</p> <p style="text-align: right;">159</p> |
| <p>1 officers that came out to your house that first<br/>2 night, the ones that you described earlier as<br/>3 the blue -- how did you say it blue --<br/>4 A. Blue boys.<br/>5 Q. Blue boys. Were there any blue<br/>6 girls? Were there any female police officers<br/>7 that came out that night?<br/>8 A. I didn't notice any female. I just<br/>9 know they were cops. I didn't look at nobody<br/>10 being -- I didn't care -- like I said, as a kid<br/>11 I'm just -- no, there.<br/>12 Q. Okay. So you just don't remember<br/>13 one way or another whether there was a female?<br/>14 A. Yeah, correct.<br/>15 Q. The female that you described, the<br/>16 white or blond-haired lady that you tried to<br/>17 tell that you had gotten it wrong, had you ever<br/>18 seen her before?<br/>19 A. No.<br/>20 Q. Have you seen her since?<br/>21 A. No.<br/>22 Q. Okay. Now, we talked a little bit<br/>23 -- I asked you a few questions earlier about<br/>24 the affidavit, but I want to go back to that<br/>25 for a second.</p> <p style="text-align: right;">158</p> | <p>1 attorney?<br/>2 A. Then after that through Jen --<br/>3 right with Steph.<br/>4 Q. With Stephanie?<br/>5 A. Yeah, it's just --<br/>6 Q. Okay. So you spoke to Jennifer and<br/>7 Cynthia that first time when they came to your<br/>8 house unannounced?<br/>9 A. Uh-huh, yes. I apologize.<br/>10 Q. And then after that time all<br/>11 communication with anybody related to<br/>12 Mr. Rivera was through your attorney,<br/>13 Ms. Adams; correct?<br/>14 A. Correct.<br/>15 Q. And the revisions and the things<br/>16 that were made and the communications about the<br/>17 revisions to the affidavit were through your<br/>18 attorney; correct?<br/>19 A. It was sent through her and then<br/>20 come to my -- to here -- then to me through the<br/>21 computer so I could see and make sure it was<br/>22 the right way.<br/>23 Q. Sure, but from Stephanie?<br/>24 A. Correct.<br/>25 Q. Okay. Did anybody from</p> <p style="text-align: right;">160</p>              |



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| <p>1 Mr. Rivera's team contact you directly, not<br/>2 through your attorney after that first time<br/>3 that they came out to your house?<br/>4 A. Was this -- okay, let me ask a<br/>5 question. What team was it something you're<br/>6 referring to?<br/>7 Q. That Jennifer or Cynthia --<br/>8 A. Yeah, the -- yes, they -- that's<br/>9 where I met, in my house.<br/>10 MS. ADAMS: Okay, now wait. Listen<br/>11 to her question. One more time.<br/>12 Q. After that first time when Cynthia<br/>13 and Jennifer came out to your house --<br/>14 A. Okay.<br/>15 Q. -- any time after that if you had<br/>16 any contact with anybody that was representing<br/>17 Mr. Rivera, was that always through your<br/>18 attorney?<br/>19 A. Yes.<br/>20 Q. And when you came to Chicago to --<br/>21 and before you testified and you met with the<br/>22 attorneys that were representing Mr. Rivera at<br/>23 that time, was your attorney also present with<br/>24 you?<br/>25 A. No.</p> <p style="text-align: right;">161</p> | <p>1 Mr. Rivera in the post conviction proceeding<br/>2 where your attorney was expressing some concern<br/>3 about the fact that your -- the fact that you<br/>4 lived in Ohio was printed in the newspaper and<br/>5 that you were concerned about that?<br/>6 A. Yes, I was.<br/>7 Q. Can you tell me why you were<br/>8 concerned about that, what you were afraid of?<br/>9 A. Jesus Christ. I got a family first<br/>10 and foremost as you -- I don't know if ya'll<br/>11 are parents or whatnot and husbands and wives.<br/>12 That's your first and foremost.<br/>13 I came to this whole situation<br/>14 naive, you know, thinking I'm going to do the<br/>15 right thing, which I did, and nothing was going<br/>16 to come out of it, none of this suing going on.<br/>17 And I thought I was going to testify and game<br/>18 over. My concern was my family, main thing.<br/>19 Q. Are you still in touch with your<br/>20 sister, Marilyn?<br/>21 A. Not really -- we're, you know we're<br/>22 -- after all this been going on, you know, like<br/>23 I said, we haven't been not at -- we talk, but<br/>24 not like -- hi, bye and that's it.<br/>25 Q. Before Jennifer and Cynthia came</p> <p style="text-align: right;">163</p> |
| <p>1 Q. And when you came to Chicago and<br/>2 met with those attorneys that were representing<br/>3 Mr. Rivera before you testified at the post<br/>4 conviction proceeding, how many times did you<br/>5 meet with them before you testified?<br/>6 A. That was the only time right there.<br/>7 Q. The one time?<br/>8 A. That one time when we went to<br/>9 court.<br/>10 Q. And how long did you meet with them<br/>11 before you testified?<br/>12 A. They picked me up from the hotel<br/>13 and we went straight to the Cook County Jail,<br/>14 whatever you want to call it, the courts.<br/>15 Q. And was Mr. Rivera in court when<br/>16 you were there testifying?<br/>17 A. Yes.<br/>18 Q. Did you recognize him?<br/>19 A. Yes.<br/>20 Q. And that was the first time you had<br/>21 seen him since the criminal trial; is that<br/>22 right?<br/>23 A. Correct.<br/>24 Q. I've seen some emails between your<br/>25 attorney and the attorneys representing</p> <p style="text-align: right;">162</p>                 | <p>1 out to your house and knocked on the door, how<br/>2 was your relationship with your sister,<br/>3 Marilyn, at that point?<br/>4 A. Okay. Like I said, we live -- she<br/>5 lives over there, I live over here, and there's<br/>6 not really a tight-knit fit because we're a<br/>7 distance.<br/>8 Q. Because she lives out of state, in<br/>9 a different state; right?<br/>10 A. Correct.<br/>11 Q. And do you -- she has three<br/>12 children; is that what you said?<br/>13 A. Correct.<br/>14 Q. And what's your relationship with<br/>15 your nieces or nephews?<br/>16 A. I call them and still, you know,<br/>17 encourage them as an uncle, stuff like that.<br/>18 Q. Do you guys ever get together for<br/>19 family functions?<br/>20 A. I have gone over there to see my<br/>21 nephew, you know, them over there, yes, I have<br/>22 done that.<br/>23 Q. Do your children have a<br/>24 relationship with her children?<br/>25 A. No, because like I said, we're two</p> <p style="text-align: right;">164</p>                                                                                                                                                                                                                  |



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| <p>1 different states.</p> <p>2 Q. In 1988, did you have a street</p> <p>3 name?</p> <p>4 A. My street name was just Macho.</p> <p>5 Q. Macho?</p> <p>6 A. Yeah.</p> <p>7 Q. That's written a police report --</p> <p>8 A. Yeah, Macho.</p> <p>9 Q. -- so I just wanted to make sure</p> <p>10 that that was --</p> <p>11 A. Yeah, that's fine.</p> <p>12 Q. After Felix was shot, did you visit</p> <p>13 him in the hospital?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did -- do you know if Marilyn did?</p> <p>16 A. That I couldn't tell you.</p> <p>17 Q. Did you continue to communicate</p> <p>18 with Israel after Felix got shot?</p> <p>19 A. Yes.</p> <p>20 Q. Did Israel go visit Felix, do you</p> <p>21 know?</p> <p>22 A. I assume he did.</p> <p>23 Q. Do you recall him telling you</p> <p>24 anything about how he was doing or anything</p> <p>25 like that?</p> <p style="text-align: right;">165</p>                                                                                                                                                                                                                                                                                                    | <p>1 A. No, not to not me. My opinion, no.</p> <p>2 I don't know.</p> <p>3 Q. What was -- back in 1988, what was</p> <p>4 your relationship with Felix and Israel's</p> <p>5 parents?</p> <p>6 A. That I -- you know, dating my</p> <p>7 sister, and, you know, I used go to their</p> <p>8 house, and that was pretty much it. Nothing</p> <p>9 major. It was still young in the relationship</p> <p>10 with my sister and, you know, they were so</p> <p>11 young, but still we knew from, you know, being</p> <p>12 on Campbell and stuff like that, that's how I</p> <p>13 knew them.</p> <p>14 Q. Do you know an individual by the</p> <p>15 name of Angel Villafane?</p> <p>16 A. It does not ring a bell to me.</p> <p>17 Q. How about Carlos Olivero?</p> <p>18 A. If you're asking me about these</p> <p>19 guys' name, I don't know. They got to give me</p> <p>20 street names. I don't know. We never knew</p> <p>21 each other really by our first name -- our real</p> <p>22 names. We just by our nicknames.</p> <p>23 Q. How about somebody by the name of</p> <p>24 George Ruiz?</p> <p>25 A. That doesn't ring a bell, no.</p> <p style="text-align: right;">167</p> |
| <p>1 A. No, that he never told me. He</p> <p>2 didn't really say nothing about that.</p> <p>3 Q. Do you recall how long Felix stayed</p> <p>4 alive before he passed away after the shooting?</p> <p>5 A. No, I do not.</p> <p>6 Q. Do you know how many times Felix</p> <p>7 was shot?</p> <p>8 A. After the report I read I think it</p> <p>9 was like nine times, I think it was. That's</p> <p>10 what I read, I don't know.</p> <p>11 Q. Do you know what report you read</p> <p>12 that said that? Was it a police report?</p> <p>13 A. No, it was a -- you know, how</p> <p>14 people -- you know how you and I would be</p> <p>15 gossiping on the side like, yeah, yeah, I think</p> <p>16 he got shot nine times, but never read it on a</p> <p>17 report.</p> <p>18 But, you know, after the report --</p> <p>19 like I said, I went through this report, there</p> <p>20 was just certain things that stuck out to me</p> <p>21 and certain things that -- you guys are into</p> <p>22 details. My details, I saw the individual who</p> <p>23 did it. That's all I care about. So that's</p> <p>24 what I'm focusing on.</p> <p>25 Q. Did Felix and Israel look alike?</p> <p style="text-align: right;">166</p> | <p>1 Q. Ramon Lopez?</p> <p>2 A. No.</p> <p>3 Q. Jose Rodriguez?</p> <p>4 A. No.</p> <p>5 Q. Just give me one second.</p> <p>6 Do you know where Felix went to</p> <p>7 school?</p> <p>8 A. I couldn't -- he went to school was</p> <p>9 Roberto Clemente probably.</p> <p>10 MS. ROSEN: Okay. Why don't we</p> <p>11 take a quick break, and I think I'm just about</p> <p>12 done, and then I think Mr. Given might have</p> <p>13 some questions for you.</p> <p>14 MR. GIVEN: I likely will, and if</p> <p>15 we take like 10, 15 minutes it could pay off in</p> <p>16 the long run.</p> <p>17 MR. BOWMAN: Understood.</p> <p>18 THE COURT: Off the record 3:10.</p> <p>19 (Recess taken 3:10 p.m.)</p> <p>20 - - - -</p> <p>21 THE VIDEOGRAPHER: On the record.</p> <p>22 The time is 3:29.</p> <p>23 (Deposition resumed 3:29 p.m.)</p> <p>24 MS. ROSEN: Mr. Lopez, I don't have</p> <p>25 any further questions. Thanks.</p> <p style="text-align: right;">168</p>                                                                                                                                                                                                             |

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| <p>1 EXAMINATION OF ORLANDO LOPEZ</p> <p>2 BY MR. GIVEN:</p> <p>3 Q. Hi, Mr. Lopez. My name is Jeff</p> <p>4 Given. I introduced myself to you at the</p> <p>5 beginning of the day. I represent the</p> <p>6 defendant police officers who are being sued by</p> <p>7 Mr. Rivera in this case.</p> <p>8 I have a few questions for you.</p> <p>9 Some of them may sound like questions that</p> <p>10 you've been asked earlier, and I apologize, but</p> <p>11 I have tried to pare them down so we will not</p> <p>12 be here any longer than I hope we need to be;</p> <p>13 okay?</p> <p>14 A. Okay.</p> <p>15 Q. On August 27, 1988 you saw Felix</p> <p>16 Valentin get shot; correct?</p> <p>17 A. Correct.</p> <p>18 Q. And later that evening police came</p> <p>19 to your house; right?</p> <p>20 A. Correct.</p> <p>21 Q. And you talked with the police and</p> <p>22 you told them what you had seen?</p> <p>23 A. Correct.</p> <p>24 Q. You told them you had witnessed the</p> <p>25 shooting?</p> <p style="text-align: right;">169</p> | <p>1 A. Correct.</p> <p>2 Q. Now, you told the police you didn't</p> <p>3 know the name of the guy that shot Felix, but</p> <p>4 that you had seen him a few times playing</p> <p>5 baseball in Humboldt Park; right?</p> <p>6 A. I did say that, correct.</p> <p>7 Q. And then the police came back to</p> <p>8 your house a little while later that same night</p> <p>9 with some gang books and photographs of Latin</p> <p>10 Kings; right?</p> <p>11 A. Correct.</p> <p>12 Q. And you went through those books</p> <p>13 for about an hour?</p> <p>14 A. Just, yeah --</p> <p>15 Q. More or less?</p> <p>16 A. Yeah, more or less.</p> <p>17 Q. And you looked at about 100</p> <p>18 photographs?</p> <p>19 A. I guess, yes.</p> <p>20 Q. These were big thick binders --</p> <p>21 A. Correct.</p> <p>22 Q. -- that you had described earlier?</p> <p>23 A. Correct.</p> <p>24 Q. And you went through those books</p> <p>25 very carefully?</p> <p style="text-align: right;">171</p>                |
| <p>1 A. Correct.</p> <p>2 Q. And you told them that the shooter</p> <p>3 was a Latin King because the car turned south</p> <p>4 into Latin King territory; right?</p> <p>5 A. Correct.</p> <p>6 Q. And if I understand it right,</p> <p>7 Cortland Street was sort of a buffer between</p> <p>8 the Imperial Gangsters and the Latin Kings;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And, in fact, the car with the</p> <p>12 shooter, after it took off, turned right onto</p> <p>13 Spaulding; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And that was into Latin King</p> <p>16 territory; right?</p> <p>17 A. Correct.</p> <p>18 Q. And, in fact, that's where you</p> <p>19 would expect a Latin King to go after shooting</p> <p>20 a person by your house; correct?</p> <p>21 A. Correct.</p> <p>22 Q. In fact, it would be foolish for a</p> <p>23 member of a rival gang to drive into Latin King</p> <p>24 territory under those kinds of circumstances;</p> <p>25 right?</p> <p style="text-align: right;">170</p>                | <p>1 A. Correct.</p> <p>2 Q. And you wanted to make sure that</p> <p>3 the person you picked, if any, would be the</p> <p>4 right guy; right?</p> <p>5 A. Correct.</p> <p>6 Q. And that's why you were very</p> <p>7 careful as you went through those books; right?</p> <p>8 A. Correct.</p> <p>9 MR. GIVEN: Somebody's phone is</p> <p>10 buzzing.</p> <p>11 MS. ROSEN: It's done.</p> <p>12 MR. GIVEN: Okay.</p> <p>13 Q. Now, after all this time of looking</p> <p>14 at the books, you ultimately picked a photo of</p> <p>15 the person you believed shot Felix; right?</p> <p>16 A. Correct.</p> <p>17 Q. And that person was Jacques Rivera?</p> <p>18 A. Correct.</p> <p>19 Q. And you told the police you were</p> <p>20 certain it was him; didn't you?</p> <p>21 A. Correct.</p> <p>22 Q. And they asked you a couple times,</p> <p>23 are you sure and you said, yes, I'm sure.</p> <p>24 A. Correct.</p> <p>25 Q. And at that time you believed the</p> <p style="text-align: right;">172</p> |

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| <p>1 shooter was Jacques Rivera; didn't you?</p> <p>2 A. At the time, yes.</p> <p>3 Q. Now, the police didn't force you to</p> <p>4 pick that photos; did they?</p> <p>5 A. No.</p> <p>6 Q. They didn't trick you into picking</p> <p>7 that photo; did they?</p> <p>8 A. No.</p> <p>9 Q. Now, on other occasions besides the</p> <p>10 night of the shooting, police also showed you</p> <p>11 other photographs of other gang members at</p> <p>12 various times; didn't they?</p> <p>13 A. No.</p> <p>14 MR. BOWMAN: Objection to form.</p> <p>15 Q. Well, do you remember testifying in</p> <p>16 this case at the criminal trial back in April</p> <p>17 1990?</p> <p>18 A. I remember I was at a trial but to</p> <p>19 tell you 1990, April, I couldn't tell you that</p> <p>20 yes or no.</p> <p>21 Q. Well, you remember testifying as --</p> <p>22 when you were about 13 years old in --</p> <p>23 A. At that age, yes, around that age.</p> <p>24 Q. And it was in the criminal case of</p> <p>25 Jacques Rivera?</p> <p style="text-align: right;">173</p> | <p>1 On the front page you see that</p> <p>2 there's a date April 5, 1990; do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And it says bench trial; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And then it says The People of the</p> <p>7 State of Illinois versus Jacques Rivera. Do</p> <p>8 you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Does that help refresh your</p> <p>11 recollection that the trial that you testified</p> <p>12 at was in April of 1990?</p> <p>13 A. That doesn't help me at all as what</p> <p>14 day it was.</p> <p>15 Q. Okay. You don't have any reason to</p> <p>16 dispute the date of --</p> <p>17 A. Oh, no, no, no. I'm not disputing</p> <p>18 your dates. I'm just disputing the fact that I</p> <p>19 couldn't tell you the date.</p> <p>20 Q. Sure. I understand.</p> <p>21 THE VIDEOGRAPHER: I'm sorry, could</p> <p>22 you move your microphone up?</p> <p>23 MR. GIVEN: Is that better?</p> <p>24 THE VIDEOGRAPHER: Yes. Thank you.</p> <p>25 Q. Now, do you remember you were asked</p> <p style="text-align: right;">175</p>                                                                                                               |
| <p>1 A. Correct.</p> <p>2 Q. You just don't remember if it was</p> <p>3 April of 1990 or what month.</p> <p>4 A. No, that I don't remember.</p> <p>5 Q. And you were sworn to tell the</p> <p>6 truth in that trial; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And would you agree with me that</p> <p>9 your memory back in that time period when you</p> <p>10 testified, which was a couple years after the</p> <p>11 shooting, was better then than it is today with</p> <p>12 regard to the events of the shooting?</p> <p>13 A. Yeah, my memory was -- at 13, yeah,</p> <p>14 I guess. Yes.</p> <p>15 Q. Okay. Let's mark the next exhibit</p> <p>16 as Exhibit 38.</p> <p>17 - - - - -</p> <p>18 (Thereupon, Deposition Exhibit 38,</p> <p>19 Bench Trial, was marked for purposes</p> <p>20 of identification.)</p> <p>21 - - - - -</p> <p>22 MR. GIVEN: Stephanie you want</p> <p>23 to --</p> <p>24 Q. And just take a quick look at it.</p> <p>25 You don't need to read it all right now.</p> <p style="text-align: right;">174</p>                         | <p>1 questions at the trial by lawyers; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you answered those questions as</p> <p>4 best you could; correct?</p> <p>5 A. Correct.</p> <p>6 Q. Were you asked the following</p> <p>7 questions and did you give the following</p> <p>8 answers? Question: Were you ever shown a</p> <p>9 photograph of a man named Rodriguez that was in</p> <p>10 the Imperial Gangsters? Did police ever show</p> <p>11 you his photograph? Answer: No. Question:</p> <p>12 They did not? Answer: They showed me some</p> <p>13 other pictures of some other gang members.</p> <p>14 Were you asked those questions and</p> <p>15 did you give that answer? I'm sorry, Stephanie</p> <p>16 this is on --</p> <p>17 MS. ADAMS: I got it.</p> <p>18 A. If I said I --</p> <p>19 MR. BOWMAN: Hang on, hang on. I</p> <p>20 need to make an objection before you answer,</p> <p>21 and the objection is that if this was being</p> <p>22 read for purposes of impeachment, it is not</p> <p>23 impeaching, and if it's not for impeachment</p> <p>24 then it's hearsay.</p> <p>25 MR. GIVEN: It is for impeachment.</p> <p style="text-align: right;">176</p> |

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| <p>1 BY MR. GIVEN:<br/> 2 Q. And let me ask again, Mr. Lopez, on<br/> 3 other occasions besides the night of the<br/> 4 shooting police showed you other photographs of<br/> 5 other gang members; didn't they?<br/> 6 MR. BOWMAN: Objection.<br/> 7 A. No, they did not.<br/> 8 Q. So during the course of the<br/> 9 investigation you don't -- do you remember one<br/> 10 way or the other if the police showed you other<br/> 11 photographs besides the gang books?<br/> 12 A. Latin Kings, and I repeated Latin<br/> 13 Kings. That was it.<br/> 14 Q. You were interviewed quite a few<br/> 15 times about this case; weren't you?<br/> 16 A. Presumably, yeah, I -- yes.<br/> 17 Q. And you can't remember all the<br/> 18 times that you were interviewed and showed<br/> 19 photographs; can you?<br/> 20 A. I was only showed Latin Kings.<br/> 21 Those were the only pictures they showed me.<br/> 22 Q. Now, some time after you picked out<br/> 23 Jacques Rivera's photograph from the gang book,<br/> 24 you viewed a lineup at a police station;<br/> 25 correct?</p> <p style="text-align: right;">177</p> | <p>1 white-haired woman that you had picked the<br/> 2 wrong guy?<br/> 3 A. Correct.<br/> 4 Q. And the white-haired lady told you<br/> 5 not to be afraid, nothing was going to happen<br/> 6 to you, you would be protected; is that<br/> 7 correct?<br/> 8 A. In those lines, yes.<br/> 9 Q. And this conversation was the first<br/> 10 time you had ever encountered that white-haired<br/> 11 lady; correct?<br/> 12 A. Correct.<br/> 13 Q. And the white-haired lady was the<br/> 14 only person you told that the shooter wasn't<br/> 15 Rivera; is that correct?<br/> 16 MR. BOWMAN: Objection. That<br/> 17 misstates the testimony. He's testified there<br/> 18 were two people present at the time.<br/> 19 MR. GIVEN: Stop the speaking<br/> 20 objections. If you have an objection, state it<br/> 21 cleanly. I'll ask my question again.<br/> 22 MR. BOWMAN: You can't ask a<br/> 23 question that misstates the testimony.<br/> 24 MR. GIVEN: I am not and --<br/> 25 misstating the testimony. I am asking a</p> <p style="text-align: right;">179</p> |
| <p>1 A. Yes. I did a lineup.<br/> 2 Q. And you believe you saw two<br/> 3 lineups; correct?<br/> 4 A. Yes.<br/> 5 MR. BOWMAN: Objection. That's not<br/> 6 his testimony.<br/> 7 Q. And it's true, isn't it, that you<br/> 8 picked Jacques Rivera in every live lineup that<br/> 9 you saw; correct?<br/> 10 A. Correct.<br/> 11 Q. There's no doubt in your mind; is<br/> 12 there?<br/> 13 A. No.<br/> 14 Q. Now, while you were at the police<br/> 15 station but before you viewed a lineup, you had<br/> 16 a conversation with a white-haired woman;<br/> 17 correct?<br/> 18 MR. BOWMAN: Objection. Misstates<br/> 19 the testimony.<br/> 20 A. Answer?<br/> 21 MR. BOWMAN: Answer.<br/> 22 MS. ADAMS: You can answer.<br/> 23 A. Yeah, I did say something about a<br/> 24 lady with white hair, yes.<br/> 25 Q. Okay. And you told this</p> <p style="text-align: right;">178</p>                                                                                                                                                                                                                                    | <p>1 question. I will ask it again.<br/> 2 BY MR. GIVEN:<br/> 3 Q. The white-haired lady was the only<br/> 4 person you told that the shooter wasn't Rivera;<br/> 5 correct?<br/> 6 MR. BOWMAN: Objection. Same<br/> 7 objection. Misstates.<br/> 8 MS. ADAMS: You can answer.<br/> 9 A. There was -- oh, Lord. I said<br/> 10 white lady --<br/> 11 Q. Let me ask my question again.<br/> 12 MR. BOWMAN: He hasn't finished<br/> 13 answering yet, and you can't interrupt him.<br/> 14 MS. ADAMS: Listen to the question<br/> 15 and just answer that.<br/> 16 A. Yeah, I told the lady -- white<br/> 17 lady --<br/> 18 MS. ADAMS: Listen to what he asked<br/> 19 you. One more time. Listen to his question.<br/> 20 Q. Let me ask my question again. The<br/> 21 white-haired lady was the only person you told<br/> 22 that the shooter wasn't Rivera; correct?<br/> 23 MR. BOWMAN: Objection. Misstates<br/> 24 his testimony.<br/> 25 A. At the time, yes, I told her, only</p> <p style="text-align: right;">180</p>                                           |

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| <p>1 her. I'm assuming I told her because she was<br/>2 the only one that was telling me that things<br/>3 will be fine.<br/>4 Q. And then a few minutes after you<br/>5 had this conversation with the white-haired<br/>6 lady you went to a lineup and you picked Rivera<br/>7 again; correct?<br/>8 A. Yeah, I picked him -- I picked him<br/>9 out twice.<br/>10 Q. Now, the police did not point<br/>11 Rivera out to you in the lineup; did they?<br/>12 A. No.<br/>13 Q. And they didn't point him out to<br/>14 you in those gangs books; did they?<br/>15 A. Nope.<br/>16 Q. And the police or no one else in<br/>17 authority at the station ever forced you to<br/>18 identify Rivera as the shooter in the lineup;<br/>19 did they?<br/>20 A. Correct.<br/>21 Q. In fact, you told Cynthia Estes and<br/>22 Jennifer Linzer in February 2010 that you<br/>23 wanted them to know that the police did not<br/>24 force you into picking anybody out; didn't you?<br/>25 A. Correct.</p> <p style="text-align: right;">181</p> | <p>1 MR. BOWMAN: We'll take one last<br/>2 break, and I'll have a few questions or<br/>3 possibly not. We're close to the end.<br/>4<br/>5 THE VIDEOGRAPHER: Off the record<br/>6 3:42.<br/>7 (Recess taken 3:42 p.m.)<br/>8 -----<br/>9<br/>10 THE VIDEOGRAPHER: Back on the<br/>11 record. The time is 3:52.<br/>12 (Deposition resumed 3:52 p.m.)<br/>13 MR. BOWMAN: Mr. Lopez, I -- once<br/>14 again I want to thank you for your cooperation<br/>15 in this process. I do not have any further<br/>16 questions for you. So that concludes the<br/>17 questioning and your lawyer will advise you<br/>18 regarding the rights that you have with respect<br/>19 to the transcript that's going to be made of<br/>20 your deposition.<br/>21 MS. ADAMS: He'll read, of course.<br/>22 MR. BOWMAN: Very good. So before<br/>23 we go off the record there is one thing that<br/>24 Mr. Given brought to my attention during one of<br/>25 our breaks. Specifically with reference to</p> <p style="text-align: right;">183</p>                                                                 |
| <p>1 MR. BOWMAN: Objection to that<br/>2 foundation. Form.<br/>3 Q. Now, at Mr. Rivera's criminal trial<br/>4 in April of 1990, you testified in court that<br/>5 Jacques Rivera was the person who shot and<br/>6 killed Felix Valentin; didn't you?<br/>7 A. At the trial, yes.<br/>8 Q. And that was a lie; wasn't it?<br/>9 A. Yes, it was.<br/>10 Q. And you knew it was a lie; right?<br/>11 A. Yes.<br/>12 Q. Now, nobody forced you to lie;<br/>13 correct?<br/>14 A. Correct.<br/>15 Q. The police didn't pressure you into<br/>16 falsely identifying Jacques at the trial; did<br/>17 they?<br/>18 A. No.<br/>19 Q. The police didn't force you to pick<br/>20 Jacques Rivera's photograph from the gang book;<br/>21 did they?<br/>22 A. No.<br/>23 Q. Just give me a second.<br/>24 MR. GIVEN: I don't have any other<br/>25 questions.</p> <p style="text-align: right;">182</p>                                                                                                                                           | <p>1 Exhibit 31, which is the Google Maps page with<br/>2 3320 West Cortland and the surrounding area in<br/>3 Chicago. As Mr. Lopez testified, there is an<br/>4 A, which is within a bubble, and that is<br/>5 supposed to designate the address 3320 West<br/>6 Cortland.<br/>7 In fact, that A we can all see is<br/>8 misplaced. The map depicts the alley between<br/>9 Kimball and Spaulding that ran adjacent to 3320<br/>10 just to the east and the bubble, therefore,<br/>11 should be placed just to the left on our map of<br/>12 that alley, and I'm just going to take my ink<br/>13 pen and make an X at the location where 3320<br/>14 should be designated on this map, and I think<br/>15 we all stipulate that that's the correct<br/>16 location.<br/>17 MS. ROSEN: Yes.<br/>18 MR. GIVEN: I agree.<br/>19 MR. BOWMAN: And that concludes our<br/>20 record. So we're off the record at this point.<br/>21 THE VIDEOGRAPHER: Off the record<br/>22 3:54.<br/>23 (Whereupon the deposition was<br/>24 concluded at 3:54 p.m.)<br/>25</p> <p style="text-align: right;">184</p> |



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| <p>1 Whereupon, counsel was requested to give</p> <p>2 instruction regarding the witness's review of</p> <p>3 the transcript pursuant to the Civil Rules.</p> <p>4</p> <p>5 SIGNATURE:</p> <p>6 Transcript review was requested pursuant to the</p> <p>7 applicable Rules of Civil Procedure.</p> <p>8</p> <p>9 TRANSCRIPT DELIVERY:</p> <p>10 Counsel was requested to give instruction</p> <p>11 regarding delivery date of transcript.</p> <p>12 Original - Mr. Bowman</p> <p>13 Copy - Mr. Given</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>185</p>                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>1 I do further certify that I am not</p> <p>2 a relative, counsel or attorney for either</p> <p>3 party, or otherwise interested in the event of</p> <p>4 this action.</p> <p>5 IN WITNESS WHEREOF, I have hereunto</p> <p>6 set my hand and affixed my seal of office at</p> <p>7 Cleveland, Ohio, on this _____ day of</p> <p>8 _____, 2013.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 Toni DiNardo, RPR, Notary Public</p> <p>16 within and for the State of Ohio</p> <p>17 My commission expires January 12, 2015.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>187</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 REPORTER'S CERTIFICATE</p> <p>2 The State of Ohio, )</p> <p>3 SS:</p> <p>4 County of Cuyahoga. )</p> <p>5</p> <p>6 I, Toni DiNardo, RPR, a Notary</p> <p>7 Public within and for the State of Ohio, duly</p> <p>8 commissioned and qualified, do hereby certify</p> <p>9 that the within named witness, ORLANDO LOPEZ,</p> <p>10 was by me first duly sworn to testify the</p> <p>11 truth, the whole truth and nothing but the</p> <p>12 truth in the cause aforesaid; that the</p> <p>13 testimony then given by the above-referenced</p> <p>14 witness was by me reduced to stenotypy in the</p> <p>15 presence of said witness; afterwards</p> <p>16 transcribed, and that the foregoing is a true</p> <p>17 and correct transcription of the testimony so</p> <p>18 given by the above-referenced witness.</p> <p>19 I do further certify that this</p> <p>20 deposition was taken at the time and place in</p> <p>21 the foregoing caption specified and was</p> <p>22 completed without adjournment.</p> <p>23</p> <p>24</p> <p>25</p> <p>186</p> | <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT NO: 1669960</p> <p>4 CASE NAME: Rivera, Jacques v. Guevara, Reynaldo, Et Al</p> <p>5 DATE OF DEPOSITION: 5/29/2013</p> <p>6 WITNESS' NAME: Orlando Lopez</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me.</p> <p>10 I have made no changes to the testimony</p> <p>11 as transcribed by the court reporter.</p> <p>12</p> <p>13 Date _____ Orlando Lopez</p> <p>14 Sworn to and subscribed before me, a</p> <p>15 Notary Public in and for the State and County,</p> <p>16 the referenced witness did personally appear</p> <p>17 and acknowledge that:</p> <p>18 They have read the transcript;</p> <p>19 They signed the foregoing Sworn</p> <p>20 Statement; and</p> <p>21 Their execution of this Statement is of</p> <p>22 their free act and deed.</p> <p>23 I have affixed my name and official seal</p> <p>24 this _____ day of _____, 20____.</p> <p>25</p> <p>18</p> <p>19 _____</p> <p>20 Notary Public</p> <p>21 _____</p> <p>22 Commission Expiration Date</p> <p>23</p> <p>24</p> <p>25</p> |

1 DEPOSITION REVIEW  
2 CERTIFICATION OF WITNESS

3 ASSIGNMENT NO: 1669960

4 CASE NAME: Rivera, Jacques v. Guevara, Reynaldo, Et Al

5 DATE OF DEPOSITION: 5/29/2013

6 WITNESS' NAME: Orlando Lopez

7 In accordance with the Rules of Civil  
8 Procedure, I have read the entire transcript of  
9 my testimony or it has been read to me.

10 I have listed my changes on the attached  
11 Errata Sheet, listing page and line numbers as  
12 well as the reason(s) for the change(s).

13 I request that these changes be entered  
14 as part of the record of my testimony.

15 I have executed the Errata Sheet, as well  
16 as this Certificate, and request and authorize  
17 that both be appended to the transcript of my  
18 testimony and be incorporated therein.

19 \_\_\_\_\_  
20 Date Orlando Lopez

21 Sworn to and subscribed before me, a  
22 Notary Public in and for the State and County,  
23 the referenced witness did personally appear  
24 and acknowledge that:

25 They have read the transcript;  
They have listed all of their corrections  
in the appended Errata Sheet;  
They signed the foregoing Sworn  
Statement; and  
Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

1 ERRATA SHEET

2 RENNILLO DEPOSITION & DISCOVERY - A VERITEXT COMPANY

3 ASSIGNMENT NO: 1669960

4 PAGE/LINE(S) / CHANGE /REASON

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20 \_\_\_\_\_  
21 Date Orlando Lopez

22 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_

23 DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                       |
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|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            | applicable<br>185:7                                                                                                                             | 174:11                                                                                                                                                                                                                                                                                                                                | behalf                                                                                                                                                                                |
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|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 180:18                                                                                                                                                                                                                                                                                                                                | believe                                                                                                                                                                               |
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|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 182:4                                                                                                                                                                                                                                                                                                                                 | believed                                                                                                                                                                              |
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|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 185:2                                                                                                                                                                                                                                                                                                                                 | 167:16,25                                                                                                                                                                             |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 186:2                                                                                                                                                                                                                                                                                                                                 | bench                                                                                                                                                                                 |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 187:2                                                                                                                                                                                                                                                                                                                                 | 6:12 174:19<br>175:4                                                                                                                                                                  |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 188:2                                                                                                                                                                                                                                                                                                                                 | best                                                                                                                                                                                  |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 189:2                                                                                                                                                                                                                                                                                                                                 | 12:4,22 17:8<br>21:4 33:11<br>37:14 38:3<br>40:4 41:24<br>44:5 65:11<br>66:9,15 69:6<br>78:10 88:20<br>94:20 95:1<br>96:8,11<br>102:2 138:12<br>147:6 148:13<br>150:25 151:3<br>176:4 |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 190:2                                                                                                                                                                                                                                                                                                                                 | better                                                                                                                                                                                |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 191:2                                                                                                                                                                                                                                                                                                                                 | 89:1 148:1<br>174:11<br>175:23                                                                                                                                                        |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 192:2                                                                                                                                                                                                                                                                                                                                 | big                                                                                                                                                                                   |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 193:2                                                                                                                                                                                                                                                                                                                                 | 35:9 101:11<br>130:1 171:20                                                                                                                                                           |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 194:2                                                                                                                                                                                                                                                                                                                                 | binder                                                                                                                                                                                |
|                  |                                                                                                                                                                                                                                                              |                                                                                                                                                                                            |                                                                                                                                                 | 195:2                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                       |
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